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E-mail: helpdesk@cri-project.eu

COUNTRY SHEET

ALGERIA (EL JAZĀ'IR)

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ABBREVIATIONS

ADS : Social Development Agency (Agence de Développement Social)

AIS : Islamic Army for Salvation (Armée Islamiste du Salut)

ANEM : National Employment Agency (Agence Nationale pour l'Emploi)

ANGEM : National Agency for Micro-Credit (Association Nationale de Gestion du Micro-crédit)

ANP : National Popular Army (Armée Nationale Populaire)

ANSEJ : National Agency for Assisting Youth Employment (Association Nationale de Soutien à l'Emploi des Jeunes)

APC: District people's Assembly (Assemblée Populaire Communale)

APN: Algerian People's National Assembly (Assemblée populaire nationale)

CNAC : National Unemployment Insurance Fund (Caisse Nationale d'Assurance Chômage)

CNAS : National Social Security Fund (Caisse Nationale d'Assurance Santé)

CNL: National Housing Fund (Caisse Nationale du Logement)

CNR : National Pension fund (Caisse Nationale des Retraités)

CPE : Pre-Employment Contract (Contrat Pré Emploi)

CRE : Centres for Job Seeking (Centres de Recherche d'Emploi)

DRS : Department Information and Safety (Département Renseignement et Sécurité)

DZD : Algerian Dinar

EPLF: Family Housing Promotion Company (Entreprise de Promotion du Logement Familial)

ESIL : Local Initiative Paid Job (Emploi Salarié d'initiative Locale)

EU : European Union

EUR : Euro

FIS : Islamic Front for Salvation (Front Islamiste du Salut)

FLN : National Liberation Front (Front de Libération National)

GDP : Gross Domestic Product

GIA : Islamic Armer Group (Groupe Islamique Armé)

GSPC : Salafi Group for Preaching and Combat (Groupe Salafiste pour la Prédication et le Combat)¹

¹ In January 2007, it changed its name to al-Qaeda in the Maghreb

IAIG : Compensation for General Interest Activity (Indemnité pour Activité d'Intérêt Général)

IDMC : Internal Displacement Monitoring Center

ILO: International Labour Organization

IOM : International Organization for Migrations

LADDH : Algerian League for Human Rights Defense (Ligue Algérienne de Défense des Droits de l'homme)

LSL: Low-cost houses for rent (Logement Social locatif)

LSP: Social Participative Housing (Logement social participatif)

MIREM : Return Migrations to the Maghreb (Migrations de Retour au Maghreb)

NGO : Non Governmental Organization

ONS : Nation office of the Statistics (Office National des Statistiques)

OPGI : Real Estate Promotion and Management Bureau (Office de Promotion et de Gestion Immobilière)

PCSC : Complementary Plan for Growth Support (Plan complémentaire de soutien à la croissance)

REAB : Return and Emigration of Asylum seekers Ex Belgium (IOM Belgium programme for Return)

TUP-HIMO : Highly Workforce-Intensive Public Utility Works (Travaux d'Utilité Publique à Haute Intensité de Main d'oeuvre)

SNMG : Minimal legal wage (salaire national minimum garanti)

SNTF : National company of the Rail-bound Transports (Société Nationale des Transports Ferroviaires)

UN: United Nations

UNHCR : United Nation High Commissioner for Refugees

USD : US Dollar

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1 Access to territory (from country of asylum to return area)

Readmission of Algerian nationals

The article 84 from the Association Agreement between Algeria (El Jazā'ir) and the EU² plans on a cooperation in the prevention and control of illegal immigration:

1. The parties reaffirm the importance which they attach to the development of mutually beneficial cooperation in relation to the exchange of information on illegal immigration flows and agree to cooperate in order to prevent and control illegal immigration.

To this end :

- Algeria (El Jazā'ir), on the one hand, and each Member State of the Community, on the other hand, agree to readmit any of their nationals illegally present on the territory of the other party, after the necessary identification formalities have been completed ;

- Algeria (El Jazā'ir) and the Member States of the Community shall provide their nationals with the appropriate identity documents for this purpose.

2. Desirous of facilitating the movement and residence of their nationals whose status is regular, the parties agree to negotiate, at the request of either party, the conclusion of agreements on combating illegal immigration and on readmission.

Control and movement of persons

The control of the person's circulation in Algeria is provided by the Direction of Border Police and Immigration. In the framework of the implementation of international conventions, of national laws and regulations, the Direction of Border Police and Immigration must:

- Control the circulation of persons and property at the borders
- Contribute to the prevention and repression of offences to border laws and regulations
- Guarantee the security in harbours and airports
- Research and collect information in border areas
- Guarantee the control of vehicle, ship, yachts or fishing vessels' circulation in the framework of its prerogatives
- Guarantee the implementation of regulations ensued from international conventions regarding the movement of specific goods (weapons, radioactive products, chemicals, dangerous products, hazardous products, explosives etc.)
- Fight illegal immigration
- Finally, it must control and inspect the border police services across the national territory

The Direction of Border Police and Immigration includes:

- Vice directorate for persons circulation;
- Vice directorate for harbour and airport security;
- Vice directorate for studies and statistics;
- Official centre for illegal immigration

2 Come into effect on September 1, 2005. Complete text available to the following address <http://www.algerian-embassy.be/eu/aa/Accord-dz-ue%20fr.pdf> (accessed 4 December 2007)

It also has border police at regional level as well as brigades on a local level³.

1.1 Documentation

1.1.1 Travel documents needed for returnees

Persons wishing to return must be in possession of their Algerian passport (valid for 5 years) as well as their Algerian National Identity Card⁴.

The consulate delivers documents to Algerian nationals as stated in the presidential decree No 02-407 of 21 Ramadhan 1423 corresponding to the 26 November 2002 establishing the functions of heads of consular posts of the democratic and popular Algerian Republic of Algeria according to the articles 34 and 36 (official Journal of the democratic and popular no 79 from 1 December 2002).

In case of loss of these documents, one should apply for an exceptional laissez-passer to the Consulate⁵. This laissez-passer allows the crossing of only one border, which is the border of the country where the consulate is located. In exceptional cases it allows the crossing of borders in transit, but on condition that this is formally mentioned in the document, and is left to the appreciation of the authorities concerned but Algerian consulates usually refuse to issue such a laissez-passer.⁶

Persons with special needs (Women, children, Orphans, the Elders, handicapped, mentally ill) must have the same travel documents and respect the travel and border regulations just as the other Algerian nationals.

1.1.2 Documents needed in the country of return (e.g. residence permit, obligatory ID)

In order to be allowed to enter Algerian territory, each national must provide proof of his Algerian nationality by submitting a passport (even if it has expired), or a National Identity Card (even if it has expired), or an exceptional laissez-passer issued by an Algerian consulate abroad. In that case the border control will be more strict and will result in longer waiting time at the border. If no documents regarding Algerian nationality are submitted one is held at the border for the period of time necessary to verify the submitted information with the authorities. In this case the duration of the retention is much longer and can take up one week.⁷

1.1.3 How to obtain necessary documents (conditions, processing time)

The necessary documents can be obtained from the competent Algerian consulate. This consulate is authorized to issue or renew a passport, to issue or renew an identity card, to issue an exceptional laissez-passer or to handle the formalities of military service.

However these formalities (documents to issue), waiting time for the issuance thereof and tariffs are not uniform. Algerians should contact the consulate under which territorial jurisdiction they reside in order to obtain this information.⁸

3 Algerian Police website - <http://www.dgsn.dz/fr/dpf.php> - (access 9 may 2008)

4 Algerian Police website - <http://www.dgsn.dz/fr/dpf.php> - (access 9 may 2008)

5 Website of the Algerian General Consulate - Lille http://www.consulatalgerielille.org/lais_pass.htm (access 9 may 2008)

6 interview of a MAE-DGAC's member (Ministry for Foreign Affairs - Directorate-General of the Consular Matters) in a Bar of Algiers - 14 February 07.

7 Interview of a DGSN-PAF's member (Directorate-General of National Security - Police force of the Air and the Borders) - International airport of Algiers - 13 February 07

8 List of Algerian consulates worldwide <http://www.algeriantourism.com/pratique/consulats.php> (accessed

Authorities providing necessary documents to Algerian nationals living abroad and returning to Algeria:

The Algerian Official Journal no 79 from 1 December 2002 stipulates:

Article 34: the head of consular post issues the national identity cards and the individual passports to registered Algerian nationals. He proceeds with the renewal of the validity of the passports and the renewal of the documents.

Article 36: the head of consular post can make out laissez-passer to Algerian nationals not registered or without any valid travel document.

The laissez-passer is only valid for the trip to Algeria through the fastest route. The principal measures fixed by the Ministry of Foreign Affairs in favour of Algerian nationals living abroad, following the Seminar of General Consuls and Consuls (12-15 December 2002) are available on the site of the Ministry of Foreign Affairs: www.mae.dz

1.1.4 Price of necessary documents

Algerian consulates in European countries do not all apply the same prices and taxes, however, every Algerian citizen must go to the consulate in his area for exact information.

1.2 Travel to country of origin (means, approximate prices, duration, luggage limits, contacts, etc.)

There are 3 possible modes of transport.

1.2.1 By air

There are several companies serving Algeria (El Jazā'ir) (ex Europe) :

Aigle Azur	www.aigle-azur.fr
Air Algérie	www.airalgerie.dz
Alitalia	www.alitalia.com
Air France	www.airfrance.fr
Spanair	www.spanair.com
British Airways	www.britishairways.com
Lufthansa	www.lufthansa.com

More often than not it is cheaper to buy a return ticket instead of a single ticket. Prices vary for tickets ex Europe to Algeria (El Jazā'ir) and are between an average of 250,00 EUR (Aigle Azur) to 650,00 EUR, the majority being around 350,00 EUR.

Prices for a one-way ticket vary between 400,00 and 800,00 Euros according to the company.

Prices can be compared on websites such as www.easyvols.fr, www.1voyage.com

It is worth mentioning that discounts for children and seniors are applied differently by travel agencies.

1.2.2 By land

It is possible to combine an overland trip with a voyage at sea by ferry (cf infra).

It is also possible to drive to Algeria (El Jazā'ir) by car from Tunisia, Libya, Mauritania, Mali, Niger. The land border between Morocco and Algeria (El Jazā'ir) is closed, it is therefore impossible to cross this border by car.

1.2.3 By sea

Maritime connections are provided by the Compagnie Nationale Algérienne (Algerian Ferries), and SNCM.

Departure from the ports of Alicante, Almeria, Barcelona, Marseille, Sète and arrivals in the ports of Algiers (El Jazā'ir), Oran (Wahran), Ghazaouet, Bejaïa, Skikda, Annaba.

Algeria Ferries www.algerieferries.com

Ports served are in Europe Marseille and Alicante; and in Algeria (El Jazā'ir) Algiers (El Jazā'ir), Oran (Wahran), Ghazaouet, Bejaïa, Skikda, Annaba. A simple ticket Marseille-Algiers (El Jazā'ir) for a family of 4 (2 adults and 2 children), costs about 800 euros.

SNCM <http://www.sncm.fr>

Departure from France and Spain, destination Algiers (El Jazā'ir) or Oran (Wahran). Many different prices (with or without car etc...); cabin prices from 40 to 60 EUR, but business class possible for less.

For example, a single ticket full tariff Alicante-Algiers (El Jazā'ir), for a family of 4 (including 2 children) travelling business class and having their car on the ferry would cost 966 EUR in high season and 706 EUR in low season.

1.3 Entry procedure (proceeding authority, interrogation, control, detention, bribes, etc.)

All the Algerian police stations at the air frontiers and the ocean frontiers are electronically connected to the central database, allowing for a quick control. Persons who are not the subject of a warrant or a detention order, or of a an inquiry notice, are only held up for the time needed to check the database. Persons who are the subject of an inquiry notice of a warrant or a detention order, are immediately delivered to justice or to the authority who is searching them. In case of doubt, particularly in the case of people who assume to be granted the benefit of the charter for national reconciliation and who have not informed the consulate about this in the country where they stayed, may be interrogated at the police station when entering the territory. Following this they are authorized to enter and have total freedom of movement.⁹

1.4 Impacts of former acts and statuses upon entry

Charter for national reconciliation¹⁰

According to the declarations of the head of government, M. Belkhadem, regarding the return to the country of certain leaders of the dissolved party, party members who were not prosecuted would be allowed to enter and leave the country and same would apply to those people who have benefited from reconciliation measures. He added that "each person under the charter for national reconciliation have the same rights, within and outside the country".¹¹

9 Interview of a DGSN-PAF's member (Directorate-General of National Security - Police force of the Air and the Borders) - International airport of Algiers - 13 February 07

10 The entire national charter can be read on the site of the presidency : www.elmouradia.dz/

11 Website of the Algerian Department of Foreign Affairs- 31 October 2006 - "le bilan de l'application de la charte pour la paix et la réconciliation nationale "satisfaisant"
http://193.194.78.233/ma_fr/stories.php?story=06/11/05/4938864 (accessed 4 December 2007)

The charter for national reconciliation applies to all nationals, regardless of their activities (political or other) during the black decade, on condition that they want this reconciliation. This is something that many people want to ignore. This is why some people are interrogated as mentioned in § 2.3..

However, according to Amnesty International (AI) Algerians residing abroad or foreign nationals of Algerian origin who were resident abroad who may never have taken part in the conflict inside Algeria (El Jazā'ir) may become victims of ill-treatment by the Département du renseignement et de la sécurité (DRS). [...]

Some may have been arrested on suspicion of involvement in acts of violence or otherwise linked to suspects.¹²

According to Mohammed Sekkoum, president of the Conseil algérien pour les réfugiés en Grande-Bretagne (Algerian Refugee Council in Britain), « more than 12 000 Algerians [have] returned to Algeria (El Jazā'ir) since (president Abd El-Aziz Bouteflika) has started the legislative process of civil concord in 1999 » (El-Khabar 26 January 2005). (...) Those who have returned to Algeria (El Jazā'ir) after the legislative process of civil concord of 1999 « have obtained a passport and have obtained some of their rights » (ibid.).

Human rights organizations also stated that returnees suspected of terrorism faced "abusive treatment, including torture" (HRW/Liberty 23 June 2005; see also AI 18 Apr. 2006). According to Amnesty International, the Algerian Department of Information and Security (Département du renseignement et de la sécurité, DRS), which operates outside of civilian authority, is behind many of the "secret detentions, ... torture and other ill-treatment" related to "alleged terrorist activity" (18 Apr. 2006; ibid. 23 Jan. 2006).¹³

In July 2006, Amnesty International has started a campaign against torture in Algeria (El Jazā'ir) declaring that : « Foreign governments must do more to help end torture and ill-treatment in Algeria (El Jazā'ir) as security cooperation is being strengthened. Governments should not forcibly return anyone to Algeria (El Jazā'ir) who could be at risk of torture or ill-treatment, regardless of any "diplomatic assurances" from the Algerian authorities that returnees will not be tortured or ill-treated. »¹⁴

In January 2007 the following cases were published on the website of Algeria Watch : « Mr Dendani Rédha, deported from the United Kingdom, arrived in the airport of Algiers on Friday 19 January 2007 at 14:30 hrs on a British Airways flight. After the administrative procedure and questioning by the airport police, he was released. He was met by his lawyer. Seven days later, on Thursday 25 January, he was arrested at his home by civilians claiming to be policemen. He has been taken to an unknown destination and his family has heard no news from him since.

Mr Omar Jdid, also deported from the United Kingdom arrived at the airport of Algiers on Wednesday 24 January 2007 early in the afternoon. He was arrested immediately in the airport building and taken to an unknown destination. His family and his lawyer have not heard from him since.»¹⁵

1.4.1 Impacts of former refugee or subsidiary protection status

According to the Directorate-General of the Consular Matters (Algerian Department of Foreign

12 Amnesty International - July 2006 - « Unrestrained powers: Torture by Algeria's Military Security" - <http://web.amnesty.org/library/Index/FRAMDE280042006?open&of=FRA-DZA> (accessed 4 December 2007)

13 Immigration and Refugee Board of Canada - responses to information requests (RIRs) - http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=450208 (accessed 4 December 2007)

14 Amnesty International - July 2006 - « Unrestrained powers: Torture by Algeria's Military Security" - <http://web.amnesty.org/library/Index/FRAMDE280042006?open&of=FRA-DZA> (accessed 4 December 2007)

15 Observatoire des droits humains en Algérie (ODHA) - 26 janvier 2007: Arrestation à Alger des deux algériens expulsés de Grande Bretagne - <http://www.algerian-watch.org/fr/mrv/observatoire/observatoire.htm> (accessed 4 December 2007)

Affairs), a person having had refugee status or subsidiary protection status, even the fact that his application for asylum has been rejected, or having obtained another nationality by naturalisation or another procedure, has no impact at all on the conditions governing the return of nationals to Algeria (El Jazā'ir).¹⁶

The sources consulted on the internet do not provide information on the possible impact of refugee status or subsidiary protection status in case of return to Algeria (El Jazā'ir). However the following case, reported in a press communiqué of June 2005, may be relevant for the evaluation of such a risk.

“The Board of Immigration Appeal of the United States has granted Mohamed Cherfi political refugee status overturning the refusal handed down by a U.S. Immigration Court judge on 22 October. The decision recognizes that Mohamed Cherfi faces persecution in Algeria (El Jazā'ir) for having criticized, while living in Canada, the human rights violations in Algeria (El Jazā'ir). In addition, the judgment confirms that people who take such positions are victims of reprisals, such as criminal charges of defamation. The Board of Immigration Appeal also took into account the Algerian authorities' awareness of Mr. Cherfi's activities in Canada as spokesperson for the Action Committee for non-Status Algerians.”¹⁷

1.4.2 Impacts of former unsuccessful asylum claim

“According to «Operational Guidance Note - Algeria» from Home Office-Immigration and Nationality Directorate, it appears that asylum seekers found not to be in need of international protection, who are returned to Algeria (El Jazā'ir) may face hostile treatment due to Algerian Government's perception that such persons may have been involved in international terrorism.

UNHCR has made various statements on the human rights situation in Algeria (El Jazā'ir) and asylum claims. However, a position paper published December 2004 states: “The position represents the recommendation of UNHCR as at December 2004, and supersedes all earlier advisories in this regard.” The position paper in its entirety is as follows:

“UNHCR position paper on the return of Algerian nationals found not to be in need of international protection:

“Algeria (El Jazā'ir) continues to be perceived by many observers to be making sustained efforts towards establishing peace and security on its territory. However, the national reconciliation process remains fragile and there are continuing reports of human rights abuses in the country. The Law on Civil Harmony (adopted in July 1999 and overwhelmingly endorsed in a national referendum in September 1999) did not bring an end to the political violence, and indiscriminate attacks on civilians by armed groups, as well as clashes between the latter and the government forces, continue to take place. In light of this situation, Algeria (El Jazā'ir) continues to produce a significant number of persons in need of international protection. According to UNHCR statistics, 9,977 Algerian nationals sought asylum worldwide in 2003.”

“UNHCR is concerned that asylum seekers found not to be in need of international protection, who are returned to Algeria (El Jazā'ir) may face hostile treatment due to the Algerian Government's perception that such persons may have been involved in international terrorism. In this regard, it should be noted that both the Groupe Salafist pour la Prédication et le Combat and the Groupe Islamique Arme have been listed as proscribed organizations by the United States in the wake of the events of 11 September 2001. Further, there are public reports that European (e.g., Spanish, Italian, German, French and British) intelligence/security authorities have uncovered networks related to these groups in recent months. It is alleged that these networks operate within the context of Algerian and other North African migrant communities in Europe.”

16 Source : MAE-DGAC - Ministry for Foreign Affairs - Directorate-General of the Consular Matters - 14 February 07 - in a Brewery of Algiers.

17 Press Communiqué of 2 June 2005 « Mohamed Cherfi reconnu réfugié politique aux États-Unis » - http://www.mohamedcherfi.org/article.php?id_article=73 (accessed 4 December 2007)

“While UNHCR would not consider it within its purview to comment on the substance of such reports, it is noted that the above factors contribute to the suspicion with which rejected asylum seekers would be treated upon return to Algeria (El Jazā'ir), notably those persons who have had prior links to Islamic movements. Therefore, there is a strong presumption that such persons may be subject to persecutory treatment upon return. While it could be expected that such persons may have a valid claim regarding real or imputed political opinion, it has been observed that certain asylum countries use unduly stringent criteria in their refugee determination processes, both on the interpretation of the refugee definition and on their credibility tests, and therefore some such applicants may have been improperly rejected.”

“In view of the foregoing, UNHCR urges States to use appropriate care in applying the 1951 Convention criteria and in particular to consider within that determination the potential risks associated with prolonged stay abroad, particularly for those perceived to have links with Islamic groups.”

“Therefore, UNHCR continues to emphasize the need to exercise the utmost caution when considering the forced return of rejected asylum seekers to Algeria (El Jazā'ir). The Office also reminds States of their obligations to consider the complementary forms of protection afforded by other international human rights instruments, such as the 1950 European Convention on Human Rights, and the 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, especially to cases within the categories mentioned above.”

“The position represents the recommendation of UNHCR as at December 2004, and supersedes all earlier advisories in this regard.”¹⁸

In 2007 following a decision by Tony Blair to increase the number of returns to Algeria (El Jazā'ir), the newspaper The Independent wrote : « Tony Blair has appointed a "returns envoy" - the Foreign Office minister Lord Triesman - in a drive to clear up the backlog of failed asylum seekers and illegal immigrants who have not been deported before he has left office. Lord Triesman will be visiting countries such as Algeria (El Jazā'ir) to try to increase the number of returned asylum seekers and migrants flouting immigration rules. Britain has signed memorandums of understanding with countries including Algeria (El Jazā'ir) about the safety of returnees. Civil liberties groups have warned that the documents will not protect returnees to countries where they face possible torture (emphasis added).”¹⁹

In a incommunicado of Amnesty International²⁰ and about an Algerian asylum-seeker, known only as "X" for legal reasons who was deported to Algeria from the United Kingdom (UK) on 6 June, we can read “Since then he has been held incommunicado, and Amnesty International fears that he is in the custody of the Department for Information and Security (Département du renseignement et de la sécurité, DRS), where he is at risk of torture and other ill-treatment. A lawyer and two representatives from the UK Embassy in Algeria were waiting for him when he landed at the airport in the capital, Algiers. He was reportedly able to pick up his luggage, but has not been seen or heard from since.. It is assumed that he was arrested by the DRS, a branch of Algerian military intelligence which specializes in interrogating people thought to possess information about terrorist activities. "X" is likely to be detained in a military barracks in Algiers, part of which is used as a secret detention centre, where DRS detainees are usually held incommunicado. Amnesty International has received persistent reports of torture and other ill-treatment of people held incommunicado by the DRS.”

18 Algeria COI report - April 2006 - http://www.homeoffice.gov.uk/rds/country_reports.html (accessed 4 December 2007). Note: the same information can be found, summarized, in the most recent Home Office UK Border Agency, Country of Origin Information report Algeria, 30 September 08, p.152

19 The Independent - 16 January 2007 - “Minister to clear up deportation backlog” - <http://news.independent.co.uk/uk/politics/article2157390.ece> (accessed 4 December 2007)

20 Algeria: Incommunicado detention/Torture or ill-treatment. Algerian asylum-seeker (m), known as "X" <http://asiapacific.amnesty.org/library/index/FRAMDE280122007?open&of=FRA-DZA> (consulted on 10 March 08)

1.4.3 Impacts of former illegal exit from country of origin

Illegal exit only is defined as such when persons flee Algeria (El Jazā'ir) to escape being brought to justice or a warrant or a detention order. In all other cases the issuing of a passport and the freedom to travel abroad are constitutional rights.²¹

The phenomenon of Harragas (meaning literally “those who burn” the borders), those who leave Algeria illegally in hope of reaching Europe, risking their lives on rafts has extended tremendously the last years in Algeria²². According to Commander Ouadah, from the National Gendarmerie during a meeting at the Ministry of National Solidarity, since 2005, the sea has been the only way out. The beaches of the wilayas in the West (Aïn Témouchent, Tlemcen, Oran, Mostaganem and a bit less those of Chlef) are the most popular.

«The authorities report 1500 arrests in 2007 and 700 since the beginning of 2008. However the number of those who reach Europe is unknown and so is the number of deaths».²³

A new law regarding entry, stay and circulation of foreigners has been adopted in June 2008. This text is part of a legal and political process including the criminalization of illegal immigration, the establishment of “waiting centres” for illegal immigrants and the planning of texts regarding the employment of foreigners. The adoption of the text by an overwhelming majority in Algerian Parliament has immediately been followed by amendment proposals of the Penal Code which criminalizes the illegal crossing of borders for foreigners as well as for nationals. These have still not been applied. (May 2009)²⁴.

The 31 August 2008, a bill of amendment to the Penal Code of 8 June 1966 considering “illegal immigration, human and organ trafficking” as crimes has been examined and approved by the Council of Ministers. This envisages 6 months of imprisonment for any illegal exit of the Algerian territory and 10 years of incarceration for those helping the emigrants. An aggravated sentence is envisaged for those who might have taken advantage of their position to favour this offence, when the victim is a minor or if they acted within “organized Group or with weapons”.²⁵

1.4.4 Impacts of crime committed outside the country of origin (risk of double jeopardy)

The sources consulted do not provide any information regarding those issues.

The Office of the UNHCHR’s website relays that Algeria is a signatory of (as of 10 December 1968) and has ratified (as of 12 September 1989) the International Covenant on Civil and Political Rights, agreed New York, 16 December 1966, and thus of Article 14.7 which precises: “No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country”²⁶

1.4.5 Customs regulation (how the relevant regulation be obtained)

In an interview for the Oran newspaper dated 18.05.2008, the Director General of customs declares that the new custom code will be published before the end of 2008.

Here follow the regulations in force concerning individuals and their personal goods :

Entry requirements : Upon entering Algeria (El Jazā'ir), personal items are duty- and tax-free including new items or used items for your personal use, except all goods imported for commercial

21 DGSN-PAF: Directorate-General of National Security - Police force of the Air and the Borders- 13 February 07 - International airport of Algiers

22 For example, around 1400 harragas have left the Algerian coasts for Italy in 2007 (El-Watan - Le phénomène HARRAGAS- 11 novembre 2007) http://www.algeria-watch.org/fr/mrv/chrono/2007_4.htm

23 Le Monde - 3/09/08 - www.lemonde.fr

24 Phone interview with a responsible of the APN, 5 May 09

25 AFP - 1/09/08

26 in Home Office Uk Border Agency, Country of Origin Information report Algeria, 30 septembre 08, p.70

use .

Customs declaration: Upon their arrival in Algeria (El Jazā'ir), travellers must declare all imported goods and pay the duties and taxes if the value exceeds the value of the exemptions. Travellers are allowed to make an oral customs declaration of the goods in their possession.

However, if the goods are for commercial use, the customs officers may request a written declaration as is the case for the regulations regarding goods intended for direct consumption or a simplified declaration.²⁷

Exempt from duties and taxes : personal items worth less than 20 000 DA

Customs concessions : Tobacco and alcohol products and perfume :

- Tobacco : 200 Cigarettes or 100 cigarillos or 50 cigars
- Alcohol : 2 litres of wine or 1 litre of alcoholic beverages
- Perfume : 50 gr of perfume or ¼ litre of perfume concentrate

Flat-rate tax : Personal goods and effects as defined by the customs service, declared and admitted over and above 20 000 DA may be subject to a flat-rate tax within the 100 000 DA limit²⁸. The following goods, if deemed of an unreasonable quantity are not included in the flat-rate tax regulation :

Clothing, carpets, cosmetics, jewelry

Film rolls, audio and video tapes

Food products for human and animal consumption, dried fruits, fresh or canned.

Capital and goods : Bank notes or other means of payment may be imported without limit. There is no limit anymore on the amount of currency you may bring into Algeria (El Jazā'ir) . The traveller should however declare his bank notes, modes of payment and gold, platinum and silver jewelry on a form part of which is filed by the customs service.

If the persons arrive from abroad carrying excess dutiable items, and if you do not have enough money to pay for the import duty, you may leave these items in Customs Bond. You have 2 months to clear Customs (4 months for goods requiring a special administrative clearance).

Tourist Cards : Vehicles, caravans, airplanes and yachts are temporarily admitted duty-free. Upon arrival one obtains a tourist card valid for three months and containing all the data of the vehicle as well as information on the stay (duration, date , expiry, registration number and visa) from the Customs Office .The traveller must have an insurance. The international insurance card is not accepted.²⁹

Regarding the import of goods for commercial use (industrial and agricultural products etc...), the Algerian Customs Department provides information on its website : www.douane.gov.dz where one can find all the information on the Association agreement between the European Union and Algeria (El Jazā'ir) which entered into force on 1 September 2005. "More than 2 300 products originating in the European Union are (...) exempted from customs duties (...). The duties reduction regulation (5 % and 15 %) also is applicable to the provisional additional duty (DAP, 12 %), till now applied by the Algerian Customs. Almost all the exempted products are industrial products considered as raw products for Algerian production, the others are agricultural raw products, or processed products, or fisheries products, benefiting from specific tariff concessions between Algeria and the EU. Algerian importers of raw products will only have to pay the value added tax (VAT), estimated at 17 %. In addition to this, within three years, the customs duties will be progressively abolished with the following timetable : seven years for 1 100 industrial products,

27 Website of the Algerian consulate in Switzerland - Information for foreigners wishing to visit Algeria
<http://www.consulat-algerie.ch/infoetr.html> (accessed 4 December 2007)

28 Regional directorate for Customs Algiers - General passenger's inspection- interview on 2 April 2008

29 Website « Algerian Tourism » - Regulations regarding customs office »
<http://www.algeriantourism.com/pratique/duane.php> (accessed 4 December 2007)

and a gradually liberalisation over a period of ten years for 2 000 other consumer goods subjected to a tariff between 15 % to 30 %. The Association Agreement between the European Union and Algeria (El Jazā'ir) provides for the establishment of a free trade area over a transitional period lasting a maximum of twelve years starting from the date of entry into force of the Agreement. The Customs duties and charges having equivalent effect applicable on import into Algeria (El Jazā'ir) of the products originating in the EU, its principal commercial partners, shall be progressively abolished".³⁰

1.5 Access to return area

1.5.1 Limitations on internal travel

Despite the terrorist acts perpetrated in various areas of the country, no region has been declared as dangerous or as the most dangerous by the Algerian government who asks all Algerian citizens to be careful in the entire territory. Therefore, there are officially no limits to intern travel. However, during military operations in response to terrorist attacks, the army and the gendarmerie may forbid the trips in certain areas or certain itineraries.

According to the websites of the Ministry of Foreign Affairs in France and Belgium³¹ vigilance is a must, the internal travelling should be limited inside the territory, and persons must avoid crowds, vary times and routes and follow the security instructions carefully. All trips in the North-Eastern part must be considered with great caution.

1.5.1.1 Administrative restrictions

The sources consulted do not provide any information regarding possible administrative prohibitions.

1.5.1.2 Practical obstacles

The consulted sources do not mention any information on possible obstacles.

1.5.2 Territories impossible or dangerous to approach (landmine, natural degradation, etc.)

There is no particularly dangerous or unreachable territory, but according to the French Department of Foreign Affairs the risk of false roadblocks organized by armed groups is always a threat on a number of roads, including very frequented roads, often at night.³² It is therefore recommended to travel only in daytime and if travelling inside the territory, the plane is the safest solution.

Moreover, people travelling may suffer damage during a targeted terrorist attack or military operations (see 1.5.1)..

30 LE MONDE - 30 June 2005 - http://www.bilaterals.org/article.php3?id_article=2215 (accessed 4 December 2007)

31 Website of the French Department of Foreign Affairs, Conseils aux Voyageurs http://www.diplomatie.gouv.fr/fr/conseils-aux-voyageurs_909/pays_12191/algerie_12196/index.html (access 13/11/08) and Website of the Belgian Ministry of Foreign Affairs - Avis de voyage Algérie <http://www.diplomatie.be/fr/travel/countrydetail.asp?COUNTRYID=141> (still available on 13/11/2008)

32 Website of the French Department of Foreign Affairs, Conseils aux Voyageurs - Algérie http://www.diplomatie.gouv.fr/fr/conseils-aux-voyageurs_909/pays_12191/algerie_12196/index.html (accessed 13 november 2008)

1.5.3 Means of internal travel (contact and practical information, price list, etc.)

The Algerian airline network is very well developed, the big cities are served daily by the national air company Air Algérie (<http://www.airalgerie.dz>). The company serves 28 cities in the country.³³ Air fares vary depending on the distances and the time of year, and it is therefore preferable to consult the website of Air Algérie ; one should however note that the tariffs usually are not too high (example. reservation 1 month prior to departure of a return ticket Algiers (El Jazā'ir)-Annaba : about 85 EUR; Algiers (El Jazā'ir)-Oran (Wahran) : about 80 EUR). Because of minimum 5 daily rotations, the link Algiers-Oran takes 1h15 minutes, since the start of 2008³⁴.

The distances by land are long. The motorway network is limited. A motorway project East-West is being built. The asphalt road system (non motorway) is rather well paved, and the most dense in Africa : 100 000 km of roads. The car population exceeds 2 million vehicles. It steadily increases. Buses remain the main public means of transport, followed by trains and taxis. In the north the bus and taxi networks are well developed with regular links between the main cities.³⁵ But, « with more than 4.000 deaths in the year 2006, Algeria (El Jazā'ir) unfortunately is amongst the countries where the road kill is the highest », according to information gathered from the newspaper El Annabi.³⁶

The domestic train lines serve the biggest Algerian cities. The SNTF (Société Nationale du Transport Ferroviaire)³⁷ serves the traffic between most big and medium-sized cities at attractive prices. It would cost you 1000 DZD or 10 EUR and 5 hours to travel from Algiers (El Jazā'ir) to Oran (Wahran), 250 DZD or 2.50 EUR to travel from to Bejaïa to Algiers (El Jazā'ir) in 4 hours (distance of 310 km).³⁸

But there are security problems (delinquency) in the train stations or in the trains. There are security agents on board of all the trains. "Criminality is growing and menaces trains. Young drug addicts, dazed or intoxicated infiltrate the wagons with only one purpose in mind: steal the passengers' possessions at gunpoint. These delinquents are interested in money, jewellery and clothes"³⁹.

Moreover the timetables are not always complied with; this is a cheap means of transport but it has its inconveniences.⁴⁰

2 Physical security (in return area)

On 9 February 1992 the state of emergency was declared by the Algerian authorities for 12 months, following the cancellation of the run-off ballot of the first Multi-party elections organized in Algeria in December 2001 that the Islamic Salvation Front (FIS - Front Islamique du Salut) was supposed to win. A year later, the state of emergency was extended, in violation of the article 91 of the Constitution which limits its duration, for an undermined duration.

On 30 September 1992 an "anti-terrorist" emergency decree was proclaimed. In 1995, almost all the dispositions of the decree were introduced in the permanent legislation.

33 Adrar, Annaba, Batna, Bechar, Bejaïa, Biskra, Bordj Badji Mokhtar (not direct from Algiers (El Jazā'ir)), Chlef, Constantine (Ksentina), Djanet, El Golea, El Oued, Ghardaïa, Hassi Messaoud, Illizi, In Amenas, In Salah, Jijel, Oran (Wahran), Ouargla, Setif, Tamanrasset, Tbesa, Timimoun, Tindouf et Tlemcen.

34 Air Algérie, telephone call, 13/04/09

35 Farida BESSA - Monographie Pays Algérie 2004 - p.13

36 El Annabi - L'Algérie au 4ème rang mondial : des routes toujours meurtrières - 18 janvier 2007 - http://actualite.el-annabi.com/article.php?id_article=3589 (accessed 4 December 2007)

37 Official website <http://www.sntf.dz/> (site consulted on 4 December 2007 but not active)

38 <http://wikitravel.org/fr/Alg%C3%A9rie> (accessed 4 December 2007)

39 El Watan - 3 juillet 2005 - "Une nuit dans le train Alger-Sétif" -

http://www.elwatan.com/spip.php?page=article&id_article=22451 (consulté le 03/12/2007)

40 "Voyages par train en Algérie : la galère" - 4 mai 2005 - <http://www.algerie-dz.com/article2613.html> - accessed 03/12/2007

On 2 May 2008, at the demand of the lifting of the emergency state ongoing in Algeria since February 1992 by experts from UN's committee against torture, the permanent representative of Algeria at the UN in Geneva, Mr. Idriss Jazaïri stressed that "the choice of the Algerian society in favour of enlargement of liberty spaces is irreversible"⁴¹.

2.1 On-going armed conflicts

The sources consulted do not provide any information on possible current armed conflicts.

However, the latent and sporadic terrorism, even if not considered as an ongoing armed conflict has had many victims in the past few months and has had an important impact on inhabitants' lives. The toll of terrorism has been the principal reason for the state not to put an end to the emergency state⁴².

2.2 Regions with high security risk (political, inter-ethnic or inter-religious tension, etc.)

2007 saw a brutal radicalization of terrorism and an increase of insecurity linked with terrorism.

According to the site of the French Ministry of Foreign Affairs update on 1 April 2008 "terrorism is different than in the 1990s however it is still a reality in Algeria. The Salafi Group for Call and Combat (GSPC - Groupe Salafiste pour la Prédication et le Combat) nowadays called Al Qaeda in the Islamic Maghreb is still active and perpetrates attacks making many victims among police and civilians. In 2007, many suicide attacks aimed Algerian institutions (Government Palace on 11 April and the headquarters of Constitutional council on 11 December). (...) On 11 December last year, a suicide attack was committed at the UN representation in Algiers. The terrorist violence knows many forms and is sometimes close to crime. Important security arrangements have been deployed in big cities and particularly in areas where many foreigners travel or live (big hotels, tourist circuits of the big Algerian South principally)."⁴³

According to this same site "it is recommended to be extra careful, to limit travelling inside the country and to follow carefully the following security instructions. Following the attacks perpetrated by terrorist groups in the South, particularly in the El Oued area, and operations from armed forces, the Algerian authorities might recommend or forbid travels in certain areas or certain itineraries.

It is therefore important to ask local travel agencies (...) to find out more about the conditions and itineraries for travels (...) in that region."⁴⁴

The political violence that went on in all the country in 2007 left at least 491 casualties, a toll much higher than in 2006. Many victims were killed following bombing attacks for which a Group called Al Qaeda in Islamic Maghreb claimed responsibility. Persons suspected of participating in

41 « Alger défend le maintien de l'état d'urgence » - Liberté - 4 mai 2008

42 Here are the results of terrorism according to daily press (EL-Watan, El-Moudjahed, Liberté et Le Quotidien d'Oran) from 1 January 2008 until 29 June 2008 :

- Operations led by the Army (ANP) : 33 sweeps or others including bombing by aviation, by land or by sea
- Terrorist attacks (including "kamikaze") and sabotage: 88
- Security Services (ANP, Gendarmerie, Police and paramilitary groups) : 86 killed and 174 injured
- Terrorist groups: 121 killed, 9 injured, 410 prisoners, and 55 surrenders.
- Sentenced by tribunals: 142 death sentences or life imprisonment against runaways.
- Civilians : 17 killed, 11 injured et 25 kidnapped against ransoms

43 Site of the French Ministry of Foreign Affairs - Advice to travellers -

http://www.diplomatie.gouv.fr/fr/conseils-aux-voyageurs_909/pays_12191/algerie_12196/index.html - updated 18 April 2008 (accessed on 20 May 2008)

44 Site of the French Ministry of Foreign Affairs - Advice to travellers

http://www.diplomatie.gouv.fr/fr/conseils-aux-voyageurs_909/pays_12191/algerie_12196/index.html - updated on 18 April 2008 (accessed 20 May 2008)

terrorist activities were held in secret prisons without any contact with the outside world. They risked torture and unfair treatment. Many persons suspected of terrorism that were sent back to Algeria by foreign governments were condemned to sentences following trials not respecting international equity standards. Human rights defenders and journalists have been threatened. The government has taken initiatives to protect women from violence and to abolish the death penalty. However, nothing has been done to put an end to the impunity members of armed groups and security forces responsible for affecting human rights during the internal conflict in the 1990s benefit from⁴⁵.

The regions with high insecurity risks due to terrorism are principally the centre-East including the wilayas of Bourmerdès, Bouira, Tizi-Ouzou and Bejaïa, then the East of the country with the wilayas of jijel, Mila, Skiksa, and the South-East with the wilayas of Tebessa, Biskra, Khenchela, Batna, Touggourt and El-oued. In the other wilayas there can be terrorist attacks however they are always targeted, the civilians generally only represent collateral damage.

Here is the advice given by the French Ministry of Foreign Affairs for those who wish to go to Algeria: “following attacks by terrorist groups in the South of Algeria, especially in the region of El Oued , and following the response by the armed forces, the Algerian authorities might advise against or forbid travel in certain areas or itineraries.

It is therefore necessary to ask local travel agencies (mandatory for travels in the big South) directly or through a foreign agency in order to find out more about the conditions and possible itineraries for tourism in the area.»⁴⁶.

« On this occasion, the Algerian government has decided to reinforce the security services from 2006-2010 by giving 4 billion Euros. This would double the strength of the Directorate general for Security Police and the National Gendarmerie” and bring “many sacrifices and withdrawals of means from development programs in order to better respond to terrorism and organized crime”.

During the 13th Conference of the Ministers of Interior from the Mediterranean Countries (CIMO) held in Nouakchott, Mauritania, Nouredine Yazid Zerhouni declared also he believes “this kind of sacrifices are at the service of the collective security”⁴⁷.

2.3 Crime

According to the French and Belgian Ministries of Foreign Affairs, delinquency and criminality, especially armed robbery, are on the rise in most big cities.⁴⁸

In order to maintain and reinforce security, Algerian authorities have put the priority on the actions of the National Gendarmerie and the Security Police. The Security Police announced on June 2008⁴⁹ that they were taking additional and harsher measures through the entire national territory. The aim is to reinforce the proximity police and have more officers in civilian clothes. According to Mr. Zerhouni, Ministry of Interior, the number of crimes under ordinary law has slightly decreased. It is about 5% in cities and around 10% in the countryside between 2006 and 2007. Regarding Security Police, efforts have been made in the training of police officers in fighting organized crime and cyber-crime⁵⁰.

45 Amnesty International - Report 2007 - 28 May 2008 - <http://thereport.amnesty.org/fra/regions/middle-east-and-north-africa/algeria>

46 French Ministry of Foreign Affairs: http://www.diplomatie.gouv.fr/fr/conseils-aux-voyageurs_909/pays_12191/algerie_12196/index.html, Updated on 23 April and valid until 31 May 2008

47 El Watan - Zerhouni : « Plus de 4 milliards d'euros pour lutter contre le terrorisme » - 24 may 2008 - http://www.algeria-watch.org/fr/article/mil/groupes_ames/4_milliards.htm

48 Website of the French Department of Foreign Affairs, Advice to travellers - Algeria http://www.diplomatie.gouv.fr/fr/conseils-aux-voyageurs_909/pays_12191/algerie_12196/index.html (accessed 4 December 2007)

49 When asked about this in October 2008, our local Algerian partners told us the measures announced in June 2008 had not yet been verified.

50 L'Expression - la police se redéploie sur tout le territoire national, Ali Tounsi prend son glaive - 17 May

The Security Police has closed down many cybercafés mainly because of the public consultation of pornographic websites.

The socio-economic situation that has degraded considerably despite the financial improvement of the country with the high rise of oil prices, has led to a clear rise of crime. This results in a latent insecurity both in cities and in the countryside. The salary re-adjustments which started in January 2008 for civil servants did not bring anything positive as the cost of living keeps increasing. Therefore there were 90 strikes and 82 riots (regarding hunger, housing tender lists or even soccer games) between January and June 2008.

Moreover, unemployment and lack of care for the youth has opened the door to all sorts of crimes going from simple theft to attacks⁵¹, to drugs, riots, immoral offences, rapes⁵², kidnappings, paedophilia, child abuse⁵³, urban violence (destruction of hotels, cars...) etc.

This situation has among other things encouraged the illegal emigration towards Europe entitled "harraguism⁵⁴" recently criminalized by Algerian justice (see 1.4.3. the Harragas phenomenon).

The six first months of 2008 have seen an increase in drug dealing, embezzlements and corruption⁵⁵. This situation is eloquent due to the socio-economic status of the country where anything is permitted to get money.

During 2008⁵⁶ riots took place almost every month. They show an increase of anger in many regions. The youth, eroded by social problems can only express their frustration towards political freezing and their despair towards social stagnation by rioting.

In front of local authorities pretending not to hear anything, the only way to draw their attention

2008 - <http://www.lexpressiondz.com/>

51 The National Gendarmerie (El-Moudjahid -19.04.08) only has dealt with 640 violence affairs involving 956 persons out of which 383 have been arrested and incarcerated. Among these affairs were 24 murders with 35 arrests, 327 voluntary assaults and batteries with 543 interpellations, 21 persons kidnapped with 31 arrests, 22 rape cases with 23 arrests, 58 indecent assaults with 88 arrests and 6 cases of prostitution with 24 arrests. In 2007, 8277 women were victim of violence (mostly within family, around 9000 women every year" - El-Watan - 22.04.08).

The National Gendarmerie (El-Moudjahid -15.06.08) has listed for May 2008 and in the Algiers Wilaya 19 murders, 24 kidnappings, 137 indecent assaults and 25 rapes

52 According to the National Gendarmerie ("Viol des femmes en Algérie : les chiffres de la gendarmerie" Liberté - 08/04/08), in 2007, 312 women have been raped out of which 137 were minors and 139 aged between 19 and 28 and 71 rapes were registered in the first quarter of 2008.

53 According to Minister of Interior, Mr. Zerhouni (in El Watan - Zerhouni to senate : « Un kidnapping chaque jour » - 17 mai 2008) the number of kidnapped in 2007 is about 375. This is become a real " business" used by terrorists for financing. (lot of money is requested as ransom). Kidnapping, paedophilia and child abuse ("Les chiffres qui alarment" - El-Watan - 01.06.08):

- 3483 minors in moral danger in 2007, year during which 2803 minors were subject to assaults and batteries,
- 1546 minors were sexually assaulted in 2007 and 632 during the first quarter of 2008,
- 25 children were murdered and 108 underaged were kidnapped
- Since the beginning of 2008, 16 child kidnappings were registered by the National Gendarmerie and 4 by the Police.

According to the DGSN (Directorate General for National Security)(El-Moudjahid - 01.06.08), since 1 January 2008, 652 cases of sexual assaults on children were registered. The National Gendarmerie has registered 14 cases of child kidnappings followed by sexual assaults during the same time.

54 Use of daily press (El-Watan, El-Moudjahid, Liberté et Le Quotidien d'Oran) from January 2008 to June 2008.

55 According to the examination by daily press from January to June 2008: around 15 tonnes of drugs (treated kif and haschich) were seized, 247 dealers were arrested, 123 civil servants were arrested for corruption and 84 were sentenced, 259 persons were arrested for embezzlements and 119 were sentenced.

56 For example there were unrests in El Hadjar (Annaba) in January 2008, Gdyl (Oran) and Chlef in April 2008, Berriane and Oran in May 2008 and Sidi-Aïssa in August 2008.

is by destroying⁵⁷.

2.3.1 Regions with an extremely high level of crime (threatening physical security)

The sources consulted do not provide specific information regarding those issues.

2.3.2 Risk of becoming a victim of human trafficking

This risk indeed existed during the years 70 and 80, when the « nouveaux riches » have exploited African migrants as domestic servants, and certain entrepreneurs in the southern wilayas have exploited workers, particularly in the construction of ducts for the distribution of water. The exploitation of domestic servants, men, women, even children was the most horrible because the employers practically possessed over them the power of life and death. Nowadays this kind of situation is in decline and in the southern regions certain clandestine migrants have been regularized in order to allow them to work in development programs of the south and the mountainous region.⁵⁸

According to the 2005 Report on Human Rights practices from the US Embassy in Algeria (El Jazā'ir), « Algeria (El Jazā'ir) does not have specific anti-trafficking legislation, and trafficking in persons takes place. The authorities do not see this as a problem. According to the Government, in the absence of anti-trafficking legislation, the authorities can apply various laws against clandestine immigration, prostitution and forced labour to combat trafficking in human beings. No officials seem to be involved. According to reports and a local NGO, illegal immigrants from West-Africa who transit through Algeria (El Jazā'ir) en route to Europe to find jobs were forced into prostitution (also read the following point) and domestic servitude. There are no official estimates which would give an idea of the scope of this phenomenon. There is no victim support program or information campaigns on the trafficking in human beings. Several NGOs however have campaigned against trafficking in human beings. »⁵⁹

According to USSD Trafficking in Persons report 2008 (published on 4th of June 2008), and concerning subsaharian migrants going to Europe, “ Algeria is a transit country for men and women trafficked from sub-Saharan Africa en route to Europe for the purposes of commercial sexual exploitation and involuntary servitude. These men and women often enter Algeria voluntarily, but illegally, with the assistance of smugglers. Once in Algeria, however, some women are coerced into commercial sexual exploitation to pay off smuggling debts, while some men may be forced into involuntary servitude in construction and other low-skilled work. According to one NGO, an estimated 9,000 sub-Saharan African migrants currently residing in Algeria are victims of trafficking. In addition, Algerian children are trafficked internally for the purpose of domestic servitude or street vending ». “The Government of Algeria does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. The government did not report any serious law enforcement actions to punish traffickers who force women into commercial sexual exploitation or men into involuntary servitude. Moreover, the government again reported no investigations of trafficking of children for domestic servitude or improvements in protection services available to victims of trafficking. Algeria still lacks victim protection services, and its failure to distinguish between trafficking and illegal migration may result in the punishment of victims of trafficking⁶⁰”

57 “ L'émeute comme ultime recours » - Le Soir d'Algérie, 29 May 2008 and "Les émeutes d'Oran : Communiqué de la LADDH" - LADDH, 30 May 2008, Internet :http://www.algerie-laddh.org/?action=editorial_detail&editorial_id=41

58 Source : Labour Inspectorate and Directorate of manpower in the wilaya of Algiers - February 2007

59 2005 Report on Human Rights practices from the US Embassy in Algeria - <http://french.algeria.usembassy.gov/> - (accessed 4 December 2007)

60 Trafficking in Persons Report 2008: Algeria - <http://www.state.gov/g/tip/rls/tiprpt/2008/105387.htm> (accessed 15 October 08)

2.3.3 Risk of becoming a victim of forced prostitution

In an article published in the French newspaper *l'Humanité*, the problem of forced prostitution in the Sub-Sahara is discussed. The author writes: « Up till now limited to the city of Tamanrasset, forced prostitution is spreading to the north of Algeria (El Jazā'ir). At night one sees on certain roads of Algiers (El Jazā'ir) young African women waiting for clients under the surveillance of local procurers. « The most beautiful girls, says Abdelkrim, who is very well informed, are put in prostitution networks servicing Europe. » Several prostitution networks but also drug networks are from time to time dismantled by the Algerian police who, according to a police officer, admits that combating terrorism is a priority, « especially since police stations have been recently targeted ». ⁶¹

2.3.4 Effectiveness of protection (capacities, proficiency, corruption, etc.)

According to analyses emitted by members of the police force and national gendarmerie, these last exert an effective protection, with much of competence. However, if the rumours of corruption circulate, there never was corruption established and durable which could be proven, with whatever level that it is. ⁶²

A law on the prevention of corruption and on combating corruption was promulgated in February 2006. However, according to the Algerian Association Against Corruption⁶³, this law only contains general recommendations and does not contain « incriminations which are essential in an effective fight against corruption : amongst these incriminations (...) there are notions of conflicts of interest, nepotism, and collusion ». Other criticism of this law : the article sanctioning delays in the asset declaration of high level officials has been taken out of the final text; the right of access to information is not granted ; the annual report of the commission for the prevention and the fight against corruption is not published ; the protection of whistle-blowers of corruption is not encouraged.

On 13 July 2008, the Algerian Head of Government addressed, to members of his government and to all institutions of the state, a directive aiming at establishing more rigour in the spending of the public money. The aim of this directive is for security forces, the judiciary system and the Inspectorate general of finances, to fight actively against waste and corruption. The measures are taken to maintain “the state’s credibility in the eyes of the population and to prevent unjustified expenditure of the public money”⁶⁴.

2.3.4.1 Police forces

If the police forces were responsible for infringements of the human rights to strong times of terrorism, it seems that today, after various provisions taken to their intention, as the systematic and professionally adapted psychological assistance, the departures with the early retirement... etc... those are especially young police officers and gendarmes who took the changing and whose formation was ensured in the spirit of the charter of national reconciliation. From now on, it is possible to say that very rarely reached with the human rights, and in particular any case of torture, would be only the exception confirming the rule. This analysis of situation is developed in the political parties, generally, which they form part or not of the governmental coalition, except for the PAGS (socialist avant-garde Party which is the continuation of the Algerian Communist Party), and of PT (Labour Party, of tendency trotskiste). It is also found on the level of the Ministry for the Justice and the Ministry for the Intérieur.⁶⁵

61 Journal *l'Humanité* - 28 December 2006 - “Ces africains qui transitent par l'Algérie” - <http://www.humanite.presse.fr/journal/2006-12-28/2006-12-28-842942> (accessed 4 December 2007)

62 Analysis emitted by a Police chief of the DGSN, 15.02.07, in a Bar of Algiers, and confirmed the same day by a Senior officer of the Gendarmerie in a private place

63 Association algérienne de lutte contre la corruption - AACC biannual letter - n°6 - July 2006

64 “Gasillage et corruption dans l'Administration: la mise en garde d'Ouyahia” - *Le Soir d'Algérie* - 20 July 2008

65 Person in charge for the party of the FLN (Front National de Libération)

According to Amnesty International, although the level of serious human rights abuses in Algeria (El Jazā'ir) has decreased compared to the 1990s, it is precisely in the context of counter-terrorism measures that serious human rights violations continue to be reported. Over the past few years, Amnesty International has looked in detail at the issue of torture and other cruel, inhuman or degrading treatment or punishment (hereafter: ill-treatment). While there has been a decrease in reports of torture and other ill-treatment in the custody of police and gendarmerie, torture and other ill-treatment continue to be used systematically by the "Military Security", an intelligence agency which specializes in interrogating individuals who are believed to have information about terrorist activities. Although it is still widely known as "Military Security", its official name since 1990 has been the Department for Information and Security (Département du renseignement et de la sécurité, DRS).

Although fewer such violations are reported today than during the height of the violence of former years, people detained by the DRS are systematically held in secret detention and denied any contact with the outside world, often for prolonged periods, in conditions which facilitate torture and may in themselves constitute ill-treatment. Such treatment violates Algerian law and breaches Algeria (El Jazā'ir)'s international human rights obligations.

« The arrival in 1999 of Mr. Bouteflika to the presidency, has seen far fewer victims of enforced disappearances, however this practice has not been totally abolished. Even today people are arrested and held incommunicado, sometimes for months, so they can during this period also be considered as disappeared »⁶⁶.

Even if it is not officially recognized, torture still exists in Algeria. The verdict of the Algerian League for Human Rights (LAADH) is disquieting: There is a decrease in human rights in Algeria and each year is worse than the previous"⁶⁷. This practice, widespread in police stations, is supposedly favoured by code of criminal procedure that does not protect the justiceable: "These cases are not isolated as it is alleged. This is a widespread practice"⁶⁸

The violations described in this report concern individuals from a wide range of backgrounds. Some were arrested for alleged involvement with the remaining armed groups in Algeria (El Jazā'ir); others are Algerian nationals who were resident abroad, or foreign nationals of Algerian origin, who may never have taken part in the conflict inside Algeria (El Jazā'ir). Some may have been arrested on suspicion of involvement in acts of violence; others may be related or otherwise linked to suspects. It appears that the main reason why individuals are detained by the DRS and subjected to torture or ill-treatment is that they are thought to possess information about armed groups in Algeria (El Jazā'ir), or about alleged terrorist activities abroad.⁶⁹

Mr Ali-Yahia Abdennour, an ex-militant of the national movement and a founding member and ex-president of the LADDH (Ligue Algérienne de Défense des Droits de l'homme - Algerian League for Human Rights Defense), of which he was the president until 2005 « the DRS has never been more powerful as under the second mandate of Bouteflika. Neither the latter nor the generals dare to oppose it. The DRS has six or seven ministers in the government, including the prime minister, and escapes the authority of the president, and it has placed a colonel in every department whose official job is to monitor the minister and the staff. This system paralyses the State and removes any authority from the institutions. (...)».⁷⁰

The quantitative and qualitative reinforcement of police forces is ongoing. According to the

66 Alkarama for Human Rights, Algérie: Alkarama soumet de nouveaux cas de disparitions forcées à l'ONU, 12/06/08, http://en.alkarama.org/index.php?option=com_content&view=article&id=109:algeria-alkarama-submits-new-cases-of-enforced-disappearances-at-the-united-nations-&catid=18:communiqués&Itemid=78 consulted on 18/04/09.

67 "LADDH: les droits de l'homme sont en régression en Algérie" - le Quotidien d'Oran - 31/07/08.

68 "La torture est toujours pratiquée en Algérie" - Le Soir d'Algérie - 31/07/08.

69 Amnesty International - July 2006 - « Unrestrained powers - Torture by Algeria's Military Security" - <http://web.amnesty.org/library/Index/FRAMDE280042006?open&of=FRA-DZA> (accessed 4 December 2007)

70 Lahouari Addi "En Algérie, du conflit armé à la violence sociale" Le Monde Diplomatique, April 2006 http://www.algeria-watch.org/fr/article/analyse/addi_conflit_violence.htm (accessed 4 December 2007)

newspaper El-Moudjahid (06.03.2008), the total number of Police officers in 2007 was of 120.000 agents, out of which 6000 women and will be in 2009 of 200.000 agents out of which 10.000 women. For Algiers only, there were in 2007 20.000 police officers and the number will reach 40.000 in 2009. There is a great effort made in the recruitment and training of policemen.

The National Gendarmerie, whose level and discipline are widely known, had 80.000 officers in 2007 and plans on having 140.000 in 2009.

The security comity is more and more involved in the coordination of combined operations between police and gendarmerie in the fight against terrorism⁷¹

2.3.4.2 Judiciary

The independence of the judiciary is granted by the constitution.

The judicial organisation is based on the duality of jurisdiction : Algeria (El Jazā'ir) has duality of jurisdictions, judiciary and administrative. In each jurisdiction an appeal is possible and an application to the supreme court as well.

Nevertheless, according to the U.S. Department of State, « although the constitution provides for an independent judiciary, executive branch decrees and influence, in practice limited the independence of the judiciary. However, during the year the government made historic strides towards reforming the judiciary. The government launched an investigation into judicial corruption. Forty magistrates were investigated, three of whom were detained pending the investigation's conclusion. In September [2005] Justice Minister Tayeb Belaiz publicly announced that 60 magistrates had been fired because "of reprehensible acts". In the same month, 21 magistrates appeared before the High Council of Magistrates for disciplinary sanctions, which could range from expulsion to transfers. (...)

Trial Procedures

Most trials are public and non-jury. Defendants are presumed innocent, have the right to be present and to consult with an attorney, provided at public expense if necessary. Defendants can confront or question witnesses against them or present witnesses and evidence on their behalf. Defendants also have the right to appeal, and the testimonies of men and women have equal individual weight.

Government authorities did not always respect all legal provisions regarding defendants' rights, and they continued to deny due process. Women were denied equal rights before the law due to the court's application of the Family Code, based on Shari'a (Islamic law). However, the situation improved during the year with the liberalizing reforms to the Family Code and passages of the new Nationality Code giving women the right to transmit nationality in their own right and to marry non-Muslims. Defendants and their attorneys were sometimes denied access to government-held evidence relevant to their cases.

There are four military tribunal courts, in Oran, Blida, Constantine, and Bechar. These courts try cases involving state security, espionage, and other security-related offenses involving military personnel and civilians. Each tribunal consists of three civilian judges and two military judges. Although the president of each court is a civilian, the chief judge is a military officer. Defense lawyers must be accredited by the military tribunal to appear. Attendance of the public at the trial is at the discretion of the tribunal. Appeals are made directly to the Supreme Court. The military tribunals tried cases during the year [2005] , but no specific information was available. »⁷²

Justice is developing as many magistrates and other civil servants in that department are training in France and Spain and some training are still conducted at the School of Magistracy by foreign teachers.

71 Colonel M. - Security Committee - 17.06.08

72 U.S. Department of State Country Report on Human Rights Practices 2005 - Algeria - <http://www.unhcr.org/home/RSDCOI/441821a211.html> - (accessed 4 December 2007)

The code of criminal procedure who has had many amendments between 2001 and 2006, should be amended again in order to “guarantee the rights of defence and the reinforcement of the presumption of innocence” and “guarantee the rights to the presumed suspect, especially at the level of preliminary investigation”⁷³.

2.3.4.3 Reform of the penal system

A reform of the penal system started in 2005 (law no 04-04 of the 6 February 2005 entitled penal system organization and social reform of detainees). This reform plans on improving and humanizing detention conditions and re-educating and socially rehabilitate detainees. Among others, this reform plans on increasing the number of civil servants around detainees, the creation of a national prison research and study centre, schooling of more detainees, visits of the facilities by international NGOs, civil society and journalists, increase of medical and paramedical staff, allocation of institutions and reinforcement of the right of detainees⁷⁴.

The rate of repeat offence in Algerian prisons is estimated annually at 43% and is due mainly to the lack of reinsertion programs. Apart from the training of detainees planned by the reform, support centres for released detainees will be created and will help them find a job. This support will principally be given to those that undertook training in prison ⁷⁵[...] the new prison act will favour conditional release. In 2008, 9474 detainees were conditionally released. ⁷⁶

2.3.4.4 Alternative penalty

A penalty of community service must come into force in April 2009. This alternative penalty should guarantee the non systematic take-up of repressive means with negative influence on the detainees’ lives. According to Mohamed Amara (Director General of Judicial and Legal Affairs at the Ministry of Justice) this new measure aims at reinforcing the basic principles of the prosecution policy which relies on respecting human rights and social reinsertion of convicts.

The text regarding the penalty, included in the act amending the penal code adopted by the Parliament at the end of January 2009, lists the ways, the conditions and the basic principles of its application. The methods of application of the community service penalty at all levels of the jurisdiction of the country must still be unified.

The community service will be appointed by the judge responsible for the execution of sentences at a public structure level (APC, charity or public administrative institution). In order to get community service (varies between 40 and 600 hours for adults and between 20 and 300 for minors), as an alternative penalty, the accused must not have a record, must be at least 16 years old, the legal penalty must not exceed 3 years of prison, the final penalty must not exceed one year of imprisonment and the accused must agree on this alternative penalty. ⁷⁷

Mid-May 2009, this sentence was not yet applicable⁷⁸.

73 “De nouveaux amendements pour le code de procédure pénale” - El Watan - 10-07-08

74 “Trois ans après son lancement: réforme pénitentiaire, où en est-on?” - Le Soir d’Algérie - 31-07-08

75 According to Mr .Felioune, director general of penitentiary and reinsertion administration, around 18000 detainees and getting training and will pass certificates, examinations of DEM, and “baccalaureat” in 2008 (Liberté, 23/01/2008).

76 «43% des prisonniers sont des récidivistes en Algérie, l’Expression, 16/07/07 - www.algeria-watch.org/fr/mrv/mrvrepr/prisons/prisonniers_recidivistes.htm

77 « Justice: Les peines de substitution à partir d’avril », Le Quotidien d’Oran, 7/02/2009

78 Information accessed at the Ministry of Justice, phone interview on 13 May 2009.

3 Social security and reintegration

3.1 Regions with no reintegration and return opportunities (e.g. natural disasters, famine, etc.)

The consulted sources do not mention any information on regions with no reintegration and return opportunities. Nevertheless, certain regions, namely the South and the High Plateaus, are included in special development plans which encourage settlement.

3.2 Housing, accommodation

Current housing situation:

“In Algeria (El Jazā'ir), a study of government aid (including all subsidies granted through various public programmes) has shown that only 14% of housing aid went to the poorest quartile of urban households”. These are the findings of a study published on the French-language website of the World Bank.

“An average-income family has to save its entire annual income for around nine years to be able to afford an average-quality home in the large cities”, reveals the study. The massive rise of demand for housing in the region, due to demographic reasons, has been by and large answered not by more houses being built, but by increased prices of existing ones, according to the study.

Another consequence of the housing availability issue is the growth of an informal housing sector. There is much evidence that informal housing is on the rise in Algeria (El Jazā'ir). “Informal (illegal) housing is defined as housing stock that does not comply with current regulations. It includes illegally occupied land (squatters) and houses built outside developed zones (even if the land ownership is legal), as well as dwelling units built with disregard to construction regulations. The large number of publicly owned and controlled land generally makes land supply unresponsive towards demand, thus creating a land ownership structure which is not consistent with land prices. Non transparent and sometimes unintentional subsidies are thus handed down to middle- and high-income households instead of the poor ones”, the study revealed.

“The problem is not a lack of capital, but its dearness”, noted the authors of the study.⁷⁹

Indeed, what characterizes the current period is the high increase of housing prices. The soaring prices of housing are, according to the President of the Financial Intelligence Processing Unit at the Ministry of Finances, M. Abdelmadjid AMGHAR, due to important money laundering in the sector where around 150 files are investigated⁸⁰.

3.2.1 Property restitution and/or compensation (in former zones of conflict or disaster)

Two factors have triggered population displacement in certain regions of Algeria (El Jazā'ir); on the one hand, there were natural disasters causing buildings to be destroyed; on the other hand, years of terrorism have resulted in several particularly dangerous regions being deserted.

As a reminder, the last two natural disasters that have had a strong impact in terms of housing

79 MENA REGION Macroeconomic and sectional performance of housing policies in countries of the Middle East and North Africa: A comparative study / Algeria, Egypt, Iran, Jordan, Lebanon, Morocco, Tunisia and Yemen / April 2005

<http://siteresources.worldbank.org/INTMENA/Publications/20471792/Macroeconomic%20and%20Sectoral%20Performance%20of%20Housing%20SupplyFRE.pdf> (translator's note: the quote is my translation, as the original document in English is currently off line)

80 “Oui, il y a blanchiment d'argent en Algérie!” - El Watan du 15/05/08 + interview in Algiers with Abdelmadjid AMGHAR on 18 May 2008.

destruction were floods and mud flows in Algiers' Bab el Oued district in November 2001, and the May 2003 earthquake that hit Algiers (in Arabic: Al-Jazā'ir) as well as many coastal cities over an area of about 100 kilometres east of the capital. That earthquake, rated 6.6 on the Richter scale and with its epicentre in Boumerdès, 65 km east of Algiers, was one of the deadliest in Algeria (El Jazā'ir)'s history. The official report on the earthquake estimates the total number of victims at around ten thousand, among whom almost three thousand were reported dead or missing. Moreover, 7 wilayahs (= provinces) in the country suffered widespread damage of their economic infrastructures, community facilities, and housing. Of a total of 187.000 homes damaged, 18.000 were destroyed beyond repair. The worst affected wilayahs were Algiers and Boumerdès, others affected were the wilayahs of Bouira, Blida, Tizi-Ouzou, Medea and Tipaza.

There was also an earthquake in March 2006 with an epicentre located one kilometre from the municipality of Kherrata. The worst affected area (at least 38 collapsed houses) was the village of Laâlam in the municipality of Tamrich, 60 km from the city of Bejaia.

Another phenomenon that has caused certain regions to be abandoned was terrorism, particularly rampant in the 1990s. At least a million Algerians are said to have been displaced between 1992 and 2002 because of the conflict between government forces and insurgent groups, but it is impossible to obtain any accurate figures.⁸¹

Therefore, 81% of Algerian population lives in cities and is concentrated on the coast Lines. While in the 1960s, 1970s and 1980s the urban population was only of 30%, two thirds of the city populations recently came from the countryside. Among the reasons for leaving the countryside for the cities one finds the quest for security (after terrorist attacks in the countryside), better living conditions (unemployment and lack of social stability in the countryside) and the quest for work as the big projects and state investments are concentrated in and around the cities⁸².

3.2.2 Housing programmes by return areas

As for regions particularly suffering of terrorism, "security having been re-established in former zones of conflict, the government has launched a rural rehabilitation programme in order to encourage the displaced populations to return. Several newspapers have reported citizens returning to former zones of conflict; however, according to other reports, villages remain unoccupied due to governmental red tape and the lack of any sources of income. Internally displaced people in Algeria (El Jazā'ir) have received no international aid (...). However, the European Union has created a project to assist the Algerian government's rehabilitation programme."⁸³ The aforementioned Rural Housing Assistance Programme was launched in 2005 (cf. infra 4.2.3.3.)

National measures aiming at lifting the national housing policy have been taken in July 2008. These measures are about the amount of financial aid from the state for access to social participative housing (LSP) or for the construction of rural housing (LR) adding up to 700000 DA. They also plan on extending financial aid from the State for rural housing, repairing works and extension of houses. These measures principally aim at encouraging the return of the populations in the villages they abandoned during the years of terrorism and at stabilizing the countryside population by lifting rural housing⁸⁴.

81 IDMC: Internal Displacement Monitoring Center - 4 July 2006 - « Return continues amid improved security » - [http://www.internal-displacement.org/8025708F004CE90B/\(httpCountries\)/56E89CA76EBC5B12802570A7004A24AF?OpenDocument](http://www.internal-displacement.org/8025708F004CE90B/(httpCountries)/56E89CA76EBC5B12802570A7004A24AF?OpenDocument) (accessed 4 December 2007)

82 « Pourquoi les Algériens fuient-ils les campagnes » - Liberté - 18/06/08

83 IDMC: Internal Displacement Monitoring Center - 4 July 2006 - « Return continues amid improved security » - [http://www.internal-displacement.org/8025708F004CE90B/\(httpCountries\)/56E89CA76EBC5B12802570A7004A24AF?OpenDocument](http://www.internal-displacement.org/8025708F004CE90B/(httpCountries)/56E89CA76EBC5B12802570A7004A24AF?OpenDocument) (accessed 4 December 2007)

84 « L'accès au logement social participatif et rural désormais plus facile » Le Jeune Indépendant -5 août 2008

The Algerian government has discussed the establishment of a post-earthquake/reconstruction programme with the Construction of 20 000 houses to relocate the disaster-stricken in Algiers (Al-Djazaïr) and Bourmerdès following the 2003 earthquake and the destructions it caused. It seems that 5 years after the earthquake, the number of disaster-stricken living in chalets and temporary constructions are still high and housing built in the framework of the programme has been diverted from its initial destination. Some return operations of the population in their douar (wilayates of Oum El Bouaghi, Khenchla, Médéa, M'sila...) are ongoing but their magnitude is still limited.

3.2.3 Opportunities of building a house

3.2.3.1 Conditions of obtaining land property

The sources consulted do not provide any information regarding those issues.

3.2.3.2 Relevant approximate prices (land, building material, etc.)

The price of land has considerably increased as the sq2 in the region of Algiers which in 2001 cost between 25.000 and 40.000 DZD and could be 150.000 DZD in 2006 in very popular residential areas ranged between 60.000 and 200.000 in April 2008. Construction materials, most of which are imported suffer the consequences of the soaring oil prices. Cement went from 300 DZD per quintal at the end of 2006 to more than 1000 DZD per quintal in April 2008⁸⁵.

3.2.3.3 Available credits, subsidies and other forms of help

Rural Housing Assistance Programme: since 2005, it has permitted potential house builders to apply for a DZD 700,000 subsidy at the Caisse Nationale du Logement (CNL, National Housing Fund). You must be able to pay for part of your project to be eligible for the subsidy. The aid is delivered in three instalments as the building progresses. The first instalment is paid when 20% of the construction is completed; the last one is paid when the house is finished.

“According to the director of Housing and Community Facilities, M. Baziz, “over DZD 800,000,000 of non-refundable rural housing aid have already been granted under the form of DZD 500,000 CNL subsidies.

The CNL has approved 16,671 applications. 1,709 remain pending and will be decided upon shortly.” 5,665 houses have already had their foundations laid (at which point they can receive the first CNL instalment.) “The programme’s supervisor is satisfied by the progress made. (...) and expects 800 units to be added. 2,281 home owners have received their first instalment. 382 owners have already got the second instalment and only finishing work remains to be done in their houses. However, up to date only 49 units have actually been completed.”⁸⁶

Apparently, the programme suffers of delays caused by municipal councils not unblocking money fast enough and not always providing adequate assistance to the programme’s beneficiaries.

85 Analysis from El Watan real estate from every Sunday in March, April and May 2008 and visits to the following construction material distributors from Algiers outskirts (May 2008):

- Société de Matériaux de Construction « A. AMIR » - 100 rue Moghni - El Maqaria - Hussein-Dey.
- Entreprise SISSANI - Matériaux de Construction - 27 Rue de Oued-Ouchayah - La Glacière - Bourouba.
- Matériaux de Construction KHERFI - 18 Rue d'Alger - El-Harrach.
- GENERALE Matériaux de Construction - 167 Rue des Abattoirs - El-Harrach.
- Matériaux de Construction KHELIFATI - Zone Industrielle - OUED-SMAR.
- EL-HIDAB Construction material - SAADOUNI Farouk - Route Nationale 24 - Bordj-El-Kiffan -
- Matériaux de Construction DOUZI - 218 Lotissement Douzi 2 - Bab-Ezzouar

86 Article published on November 8, 2006 in Le Jour d'Algérie

<http://www.lejournalgerie.com/Editions/081106/Rubriques/Region.htm> (accessed 4 December 2007)

Municipal councils (*Assemblées populaires communales*, APC) are the authorities that accept applications and submit them to the CNL for verification (which takes around 15 days.) After approval by the CNL and validation by wilayah authorities, applications are “sent to the appropriate daïra⁸⁷ which in its turn will ask the applicants to produce all necessary documents, especially an ownership certificate and a building permit. Establishing the right to a property can take up to six months, (...) and there is still plenty of disputed land in the region. The APCs aren’t content anymore with establishing ownership rights based on testimonies only; now they require that a surveyor’s report be published in a national daily paper.”⁸⁸

3.2.4 Opportunities of buying real estate

Opportunities of finding offers either through an agency or from private individuals.

In an article published in May 2005 in Consomag, potential buyers are given the following advice when dealing with local real estate agencies:

“You should be aware that although the profession is subject to commercial law, it is not regulated. In a nutshell, this means that all agencies do not have to apply the same standards and that their documents are not generally recognized. So the first tip would be, find out the reputation of the agency you are planning to address beforehand. During your first visit, make sure that all prices are clearly indicated; this suggests the agency’s commitment to transparency. If the agency in question is a member of the National Union of Real Estate Agencies (Union Nationale des Agences Immobilières, UNAI), all the better, because it gives you access to arbitration and an out-of-court settlement in case of a dispute.

“Bear in mind also that a real estate agency is above all a provider of services, so don’t be surprised if you are charged at each step. Ideally, everything should be made clear from the outset. The UNAI recommends writing down a contract (mandat immobilier) in which all details of the transaction are specified. This is meant to protect the client as well as the real estate agent as it is a legally recognized document in case of a dispute. However, even here you should read all clauses carefully. When buying a property, beware of clauses referring to deposits, as these clauses are the most common source of trouble in this kind of transactions. In the absence of legal regulation, this aspect of the transaction is indeed entirely up to the agent. For example, the UNAI considers that if a sell does not take place due to a fault by the buyer, or if the buyer hasn’t stated his conditions, he shall lose his deposit to the agent. (...)

Many agencies make an effort to assure themselves of the authenticity of an ownership certificate at the Land Registry. Finally, if you are relying on a CNEP credit to acquire real estate, you may want to know that some agencies are approved by that institution. They will take upon themselves the task of applying for your credit. If you are buying, ask for a receipt for each payment.”⁸⁹

Relevant websites:

<http://www.immobilier-dz.net/>

<http://www.algerimmo.com>

<http://www.immobilialgerie.com/>

<http://www.actuelimmobilier-dz.com/>

<http://www.lespinsimmobilier.com/>

87 Daïra: subdivision of a wilayah

88 El Watan -September 2,2006 http://www.elwatan.com/spip.php?page=article&id_article=49270
(accessed 4 December 2007

89 Nacer Chaou, May 2005. Published in Consomag: “Real estate agencies: necessary precautions”
http://www.immobilier-dz.net/agences_precautions.php?PHPSESSID=0aede2a49a87e1c709f5461b68aca796 (accessed 4 December 2007)

You may also contact an Entreprise de Promotion du Logement Familial (EPLF, Family Housing Promotion Company) branch in any city in order to obtain a new house and/or blueprints.

There is also the possibility of proceeding through an Office de Promotion et de Gestion Immobilière (OPGI, Real Estate Promotion and Management Bureau), especially for people renting council houses who have the opportunity to buy their home.

Transfer of real estate properties from the State and the OPGIs

Following the provisions of article 41 of the Financial Law for 2001 and article 209 of the Financial Law for 2002, as well as the executive decree no 03-209 of August 7, 2003, the operation of transferring real estate properties from the State and the OPGIs that have been put to use before January 1, 2004, could begin.

The real estate stock of the OPGIs is estimated at 624,942 rented housing units, 44,813 commercial premises, and 92,234 delivered dwelling units.

Who can benefit by the operation?

- Any natural person of Algerian nationality, or any legal entity based on Algerian law.
- Any legal occupant in possession of a lease contract issued by a bailer.

Real estate property concerned by the transfer

All housing units and premises for professional or handcraft use owned by the State or by an OPGI and open for use before January 1, 2004. The transfer does not apply to community property, temporary housing, and protected sites.

Methods of payment and advantages for housing units

The applicant for home ownership benefits from the following advantages:

- The deduction of all rent paid since the date of occupation (the date on which the rent contract was signed).
- Payment facilities over a period of 20 years.
- A 10% reduction if payment is in cash.
- A 7% reduction if payment period does not exceed 3 years.
- A 5% reduction if payment period is between 3 and 5 years.

Any person having benefited from a house transfer within the scope of this decree is not eligible for a council house or any financial aid from the State in this field.

Professional, commercial or handcraft premises

Anyone applying for ownership of this category of premises may choose between a cash payment and instalments paid over a period of 20 years; however, he is not eligible for any discount on the price of the transferred property.

How to apply for a real estate property transfer

The application must be submitted to a commission set up at every territorially competent district.

The application includes:

- A rental agreement.
- A rent update certificate issued by the OPGI.
- A birth certificate.
- A certified copy of national ID.

The application will be answered within 3 months by recorded delivery letter. When this happens,

the applicant must confirm his application at the commission within the month following his reception of the selling decision. The applicant may also appeal against the daïra commission's decision at a wilayah commission during this period.

The decree remains valid until December 2007, however, all applications submitted before this date will be subject to its provisions.

Prices

The selling price is determined by the competent authorities in accordance with the inter ministerial order of January 27, 2004 regulating the execution of article 2 of the transfer decree.

The reference price per square meter is fixed at DZD 18,000, but it varies according to the following criteria:

- Zone coefficient (The property's location according to APC classification).
- Classification of the properties.
- The quality of building materials used.
- The architectural qualities of the premises.

Other criteria are also taken into account when determining the selling price of a house, especially the size of rooms and shared spaces.⁹⁰

3.2.4.1 Legal conditions

The sources consulted do not provide any information regarding those issues.

3.2.4.2 Possible obstacles for certain groups (e.g. single women, minorities, etc.)

According to Algerian law, single women do not have the right for housing allocated by APC except if they have enough money to buy an apartment. However widows or divorces women with children may obtain housing from the APC⁹¹.

3.2.4.3 Relevant approximate prices

The analysis of the housing press (Hebdo-Immobilier and El-Watan Immobilier) in the first quarter of 2008 give the following buying-in prices per sq2 in the Algiers region:

Luxury flats or houses in residential areas: from 150.000 to 250.000 DZD

High standard flats or houses in intermediate residential areas: from 100.000 to 140.000 DZD.

Housing or villas in middle class areas: from 60.000 to 90.000DZD.

Housing in working-class areas with high population density: 50.000 DZD

3.2.4.4 Available credits and subsidies

The CNEP bank is specialized in real estate and has signed agreements with certain agencies in order to facilitate access to its credits (in which case the concerned agency takes upon itself all the required paperwork.) The CNEP also handles credits within the ramifications of the Rent-Sell Programme (see below.)

<http://www.cnepbanque.dz/index.html>

90 Website of the Ministry of Housing and Urbanism: <http://www.mhu.gov.dz/mhu/dossiers/cession.htm> (accessed 4 December 2007)

91 Information from Mr Mourad SAMEUR, deputy mayor, APC El Mouradia, 30 september 08

Rent-Sell Programme (2001): This programme grants access to home ownership where a bailee has the option to buy the property after a period of renting it. He must be able to pay 25% of the property's price and prove income sufficient to meet the terms of the contract. He cannot be a current or former owner, he cannot have received any previous aid from the State and cannot earn less than 5 times the legal minimum wage. Consult the National Agency for Housing Improvement and Development (Agence Nationale de l'Amélioration et du Développement du Logement) website at <http://www.aadl.com.dz/Generale.htm>

Participative Council Housing Programme (2005)⁹²: This programme gives access to a CNL subsidy ranging from DZD 300,000 to DZD 500,000 for the acquisition of a house (20,000 houses of this type are available in Algiers/El Jazā'ir)

The programme of social participative housing⁹³ is about the participation of the housing applicant. This program consists of:

- Granting of Financial assistance by the National Housing Fund according to the income levels:
- Income inferior to 25 000 DZD = assistance of 500 000 DZD
- Income between 25 000 DZD and 40 000 DZD = assistance 450 000 DZD
- Income between 40 000 DZD and 50 000 DZD = assistance 400 000 DZD
- Self-financing of the buyer
- Bank lending (possibly)

Persons searching for housing and fulfilling the following conditions for housing assistance (AAP) from National Housing fund may enrol in this program:

92 This formula allows one to acquire a house by paying DZD 1,900,000 in three instalments over a maximum period of 18 months with a state subsidy depending on income (between DZD 300,000 and 500,000 via the CNL).

Are eligible people whose total income (the spouse's income included) is less than DZD 50,000 per month and who have never taken advantage of a State subsidy. An LSP application must be submitted to an OPGI office (or to a private property developer) competent for the applicant's place of residence. The application will then be transferred to daïra services for processing.

- Certified copy of the applicant's and his spouse's national ID. It can be certified at any town or city council.
- Birth certificate number 12 of both the applicant and the spouse. This can only be obtained at the town or city council of the place of birth.
- Personal data sheet (for unmarried people) or family data sheet (for marriages). Can be obtained at the town or city council of the place of residence.
- Work certificate or Trade Register certificate (of applicant and spouse).
- Residence or lodging certificate of the applicant.
- Complete mortgage certificate of the applicant and his spouse. To be obtained at the wilayah Land Registry. A birth certificate must be produced and a DZD 130 duty paid.
- Proof of income:
- Pay slips for the last six months or remuneration sheet or tax return form (certificates issued by fiscal services) of the applicant and his spouse.
- In the case of a spouse with no income
- Non-activity certificate (issued by the town council)
- Certificate of non-affiliation at the CNAS and CASNOS or certificate of non-taxation

When the application is complete, submit it to a property developer after having chosen a programme and pay an advance of between DZD 250,000 and DZD 500,000 (depending on the developer), the remaining amount will be paid in instalments over the period of the house's construction. This means that at the moment you receive the completed house, the entire amount must be paid. Houses generally cost between DZD 1,200,000 and DZD 1,900,000. The State subsidy varies according to income (from DZD 400,000 to 500,000) and is non refundable, which means that the subsidy will be subtracted from the price of the house and only the difference will remain to be paid.

93 <http://www.cnepbanque.dz/lsp.htm> (access 15 August 08)

- a) Income inferior or equal to fifty thousand Dinars (50.000 DZD).
- b) Housing price inferior to two million Dinars (2.000.000 DZD).
- c) Not having benefited from housing in complete ownership.

According to a person responsible of APC (District people's Assembly) Algiers, in the framework of the social participative housing, the Algerian state participates with 700.000 DZD and the concerned pays the rest of the housing price bit by bit until he becomes owner⁹⁴.

In practice, it seems that the State never helped applicants in buying apartments or land to build on. The number of social participating housing is still very low and their allotment is only done through the District People's Assembly (APC)⁹⁵.

Precarious housing conditions: in the framework of the housing programme drawn by Nouredine Moussa's department, aiming at solving the issue of precarious housing, around 553.000 houses are to be razed (i.e. 8% of the total housing in Algeria). The Minister of Town planning and housing declared to the APN that the State plans on building 70000 houses in 2008 for which a financial package has been devoted by the 2008 supply bill⁹⁶.

In practice, it seems that the state makes efforts to get rid of precarious housing however the number of relocated families per year is insufficient, the procedure is too long, and families have been waiting for more than ten years to be relocated. All the more since the housing build to get rid of precarious houses are allocated in case of natural disaster to the disaster-stricken families⁹⁷.

3.2.5 Opportunities of renting a house or apartment

You can find offers either through an agency or from private individuals.

Relevant websites:

www.immobilier-dz.net/

www.algerimmo.com

www.immobilialgerie.com/

www.algerie-immobilier.net

www.actualites.algerie-immobilier.com

www.immobilier-dz.net

www.actuelimmobilier-dz.com

www.immobilialgerie.com

www.hebdoimmobilier-dz.com

www.fnai-dz.com

www.ennazaha.com

www.el-bait-said.com

www.dzimmo.com

www.national-immobilier.com

www.myroom-dz.com

www.immo2i.com

94 Informations gathered at APC Algiers Centre, 15/08/08.

95 Information accessed through local partners - Algiers - 15 September 08.

96 « Habitat précaire : Près de 553.000 logements à raser » -Le Quotidien - 10 May 2008 -

97 Information accessed through local partners - Algiers - 15 September 08.

www.algerie-immobilier.com

www.lespinsimmobilier.com

www.dz-web.net

www.haouidat.free.fr

www.nari-immobilier.com

www.louni-immobiliere.com

www.agence-aptic.com

www.maghnaoui.com

Be warned that prices are very high and that several months of advance payment (12 in general) are often asked.

Commercial rent: the rent period is usually 23 months. This is a commonplace practice among landlords who want to escape the provisions of Business Law that stated that after 24 months of rent, any landlord wishing to cancel his contract with the bailee had to compensate him by a sum proportional to the value of the bailee's business. Although this law has recently been modified to the landlords' advantage (the notion of business value is not taken into consideration anymore), it appears that the 23-month contract practice persists. More often than not, landlords will also ask the bailee to pay the entire 23 months of rent at the moment the contract is signed.

3.2.5.1 Potential obstacles for certain groups (e.g. single women, minorities, etc.)

Owners are often suspicious with big families, they fear children will do damage in the apartments and collective spaces and will disturb the neighbours⁹⁸.

For renting, single women might be stigmatized and sometimes even attacked.

3.2.5.2 Relevant approximate prices

The average prices of rents have soared just as construction or buying prices. According to real estate agencies, the monthly rent is established according to the value of the property at daily rate. Therefore, the price range would be in April 2008 of 100DZD/month per sq2 for a rural house in a far-off area and of 25.000 DZD in fashionable residential areas. Moreover, they usually ask not only for deposit but also for an advance on the rents, minimum one year ahead, sometimes more⁹⁹.

3.2.5.3 Available subsidies

In the framework of the LSL (Logements Sociaux Locatifs - Low-cost houses for rent), the interested person will pay a monthly rent until he has paid enough to become the owner¹⁰⁰.

The low-cost houses for rent are only intended to the poorest with a monthly revenue of the family not exceeding 12000 DZD. Arranged only by the OPGI (Office of promotion and real estate management) the social houses are included in the five-year programme of President Abdelaziz Bouteflika. Out of the 1 million houses enrolled in the programme, about a quarter is low-cost rented housing¹⁰¹.

The order in council establishing the rules of attribution for low-cost rented housing has just been

98 Information accessed through local partners - Algiers - 30 september 08

99 Source : analysis of El-Watan Immobilier and Hebdo-Immobilier from January to May 2008

100 Informations gathered at APC Algiers Centre, 15/08/08.

101 "Algérie: le logement social locatif", l'Horizon, 22/11/2007, <http://www.winrak.com/algerie-le-logement-social-locatif.html> (accès le 15 août 2008).

published in the official journal. With more than sixty articles, the order 08-142 of 11 May explains in detail the conditions of attribution, the modalities of demand handling, criteria and ratings, modalities of housing occupation, national file of housing...¹⁰².

The maximum salary for entering the social participative housing and benefit from a home is 12000 DZD. The attribution of housing is according to grading category, number of rooms, and the number of children. A quota is kept for young men under the age of 35¹⁰³.

3.2.6 Other middle-term accommodation possibilities (shelters, NGOs, church, etc.)

The Association “Rencontre et Développement”, an Algerian association of foreign law has existed in Algeria for 50 years and helps people in need, homeless, single women, sahraoui people, as well as sub-Saharan populations coming to Algeria in hope of reaching Europe. This association offers accommodation to people in need for a couple of days.¹⁰⁴

The social emergency service from Algiers takes care of the poorest and has got an emergency shelter with 200 beds (but always overcrowded). In an interview for the site Magharebia, Mr. Mustapha Alilat, its director, explains that the “ social emergency service is by definition a unit offering emergency help. This work must therefore have a post-emergency service. Those taken care of by the emergency service stay between 1 and 30 days in the Dely-Brahim centre, according to their psychological profile. At the end of the stay, they are guided towards social and family reintegration or placed in a relay centre that will handle the rest and offer them educational support. These centres also depend of Algiers’ wilaya¹⁰⁵”.

There is also something called the Diar Errahma. They usually accommodate people in need¹⁰⁶, or in distress¹⁰⁷, without conditions except the availability. Some take care of the elders, other of women, mostly single mothers and people with severe illnesses. These centres are scattered around the country, in the centre, the East and the West.

- Dar Errahma Constantine (Djbel El Wehch)
Phone: 031 61 96 64
Capacity: 150 persons
- Dar Errahma Oran (Messerghine)
Phone : 041 49 12 31
Capacity: 200 persons
- Dar Errahma Alger (Les vergers)
Phone: 021 54 43 75
Capacity: 240 persons
- Shelter for persons in trouble in Algiers: EPA SAMU SOCIAL
DELY IBRAHIM, ALGER.
Phone : 021 91 03 60

102 “Le décret en vigueur : Nouvelles conditions pour le logement social » Le Quotidien, 27 may 2008

103 Informations gathered at APC Algiers Centre, 15/08/08.

104 Interview with Damien Geldereich, Secretary General of the association, Algiers, 30/10/2006.

105 Interview on the website Magharebia, 19/01/2007 -

<http://www.magharebia.com/cocoon/awi/xhtml1/fr/features/awi/reportage/2007/01/19/reportage-01>
(consulté le 03/12/2007)

106 Ministry of National Solidarity (Route Nationale n° 01, Les vergers, Birkhadem, Algiers Algeria)

107 There are also receiving centres for people in need such as the SOS centre in Algiers (Ministry of National Solidarity. Tel. : 021 44 99 46/47 / free number: 1527 & 1526), the Association Nour (Annaba) and the psychological receiving centre in Algiers, Blida and Boumerdès (SARP).

3.2.7 Temporary shelters available until being able to ensure long-term accommodation

The shelters mentioned in paragraph 3.2.6 accept exceptionally to accommodate the returnees who do not have anywhere to stay if they have the capacity at the moment. The access to these centres is free.

It is the Ministry of National Solidarity who takes care of the national community abroad, and this puts him in charge of illegal emigration and harragas.

3.3 Livelihood - basic “survival”

3.3.1 Employment

The issue on employment has been handed to the Ministry of Work and Social Security who became the Ministry of Work, Employment and Social Security.

Website: www.mtess.gov.dz

3.3.1.1 Unemployment (formal and informal, in specific sectors and social groups)

According to the International Labour Organization (ILO), the active population was estimated at 9.969.000 in October 2007. Today, the active population is estimated at 8.594.000 persons among which women represent 19,7% in urban areas and 9,2 in rural areas. In October 2007, the unemployed active population or the persons in search for employment was estimated at 1.374.000 persons, which set the unemployment rate at 13,8% (61% of the unemployed live in urban areas and 39% in rural areas). This is an integration unemployment as 72% of the unemployed are aged under 30 and 85,6% are under 35. The women represent 22% of the unemployed active population.¹⁰⁸

According to the CIA World fact book website¹⁰⁹, the unemployment rate in Algeria for 2008 is 14,1% and Algeria is ranked 53rd (ranking is from the highest to the lowest unemployment rate in 196 countries).

Moreover, if the public authorities talk about a current unemployment rate of 11,8% in Algeria, the World Bank sets it at 24%, mostly because of the informal and the small jobs. It is the contrary of the methodology of ONS on which the government relies on and which forgets to mention the limited, precarious nature of existing jobs. The lack of transparency in data and other indicators of economic and human growth make it difficult to establish objective results.

Working women are still far from being regarded as socially acceptable although the Constitution and the Labour and Employment Law exclude any form of discrimination, so very few women are currently in the labour market. Algeria (El Jazā'ir) has in fact an extremely low percentage of working women, one of the lowest if not the lowest in the world. Only 12% of women worked in 2000. Some progress in this field has been observed nevertheless.¹¹⁰

Jobs in the informal sector have been sharply on the rise. It is estimated that around 1,200,000 people are concerned, that is nearly 17% of the active population.

Finally, a development of temporary and part time jobs has been observed.

108 Bulletin n° 489 of the ONS « Activité, emploi, chômage au 4^{ème} trimestre 2007 »

109 www.cia.gov

110 International symposium on « Labour market and gender in North Africa: peculiarities, shared aspects and synergies with Europe ». Rabat, April 2003 <http://www.ulb.ac.be/soco/colloquerabat/papiers.htm> (accessed 4 December 2007)

3.3.1.2 Labour market programmes (and access to them)

The National Employment Agency (ANEM, Agence Nationale de l'Emploi) is the public intermediary between employers and job seekers. It replaced the former ONAMO in 1990. The ANEM has a network of 176 regional and local agencies present in every part of the country.

In 2004, the ANEM received approximately 500,000 job applications and 70,000 job offers submitted by public and private employers. Most of these jobs are temporary, in line with the international tendency.

However, one phenomenon persists. Although the law obliges all public and private businesses to recruit their personnel via the ANEM, 60% of job offers are submitted exclusively by the public sector. It must be stressed that the ANEM still plays a de facto negligible role as a job intermediary, but it is bound to develop.

The ANEM's role is thus to direct job seekers toward all existing help measures, be it in finding a job or opening a business (see below.)

The CNAC has opened Centres for Job Seeking (CRE, Centres de Recherche d'Emploi). "The CRE is a mutual assistance group programme in which 12 to 15 participants meet daily for 3 weeks under the supervision of a competent counsellor who supplies info, materials and all necessary support.

The method's goals are:

- Learning through action,
- Positive attitude and active participation,
- Constant support and encouragement of the group by the counsellor and by each other,
- Acquiring a working knowledge of labour market realities."

Since 2001, CRE centres have also offered the possibility of competence assessments.

Various specific job access programmes have been implemented¹¹¹ :

IAIG Indemnité pour Activité d'Intérêt Général (Compensation for General Interest Activity) : created in 1994, managed by the ADS since 1998

This measure aims to integrate underprivileged, able-bodied people of working age via work at public utility building sites in urban and suburban zones. The monthly pay is DZD 3,000.

ESIL Emploi Salarié d'initiative Locale (Local Initiative Paid Job): created in 1990, managed by the ADS since 2002

This measure aims to improve qualifications of young unemployed people via standby jobs which help them gain experience, improve their employability and ultimately help them find a job.

TUP-HIMO Travaux d'Utilité Publique à Haute Intensité de Main d'oeuvre (Highly Workforce-Intensive Public Utility Works); created and managed from the outset by the ADS in 1997

This measure essentially aims to create massive amounts of standby jobs in order to realize public utility projects chiefly concerning the maintenance of socioeconomic infrastructure (roads, forests, urban real estate heritage) by jobbers. The net salary is DZD 10,000 and all workers have Social Security.¹¹²

111 Figures for 2004 : ESIL (145,000 jobs), pre-employment contracts (CPE-56,056), Compensation for General Interest Activity (IAIG 183 451) and Highly Workforce-Intensive Public Utility Works (TUP-HIMO : 104,600).

112 The TUP-HIMO programme explained: Communication on the Algerian experience of Highly Workforce-Intensive Public Utility Works, September 1998

www.worldbank.org/mdf/mdf2/papers/econdev/thaminy.pdf (viewed on November 20, 2006)

The TUP-HIMO Programme has three basic aims:

- a) Creating temporary jobs rapidly and on a massive scale;
- b) Executing Public Utility Works that have a proven economic and social impact, such as the

C.P.E. Contrat Pré Emploi (Pre-Employment Contract) managed by the ANEM

This measure is addressed to young first-time job seekers among graduates from colleges and higher technical schools. It gives access to public and private sector jobs. To be eligible for this programme, you have to be an Algerian national aged between 19 and 35 and a first-time job seeker. You have to sign up at the ANEM. The condition for men of being exempt from military service was dropped in 2004. The pre-employment contract is valid for 12 months and can be renewed only once in the case of a civil servant job. The executive decree 4-102 of April 1, 2004 fixes the CPE salary paid by the State during the first year at DZD 8,000 per month for college graduates and DZD 6,000 for skilled technicians. If the contract for a job in the civil service is renewed for another year, the salary remains unchanged in both cases. In the economic sector, a six-month renewal will fetch a college graduate DZD 6,000 and a skilled technician DZD 4,500. This lower salary in the economic sector is offset by the employer and has to amount to at least 80% of the standard salary for a similar job in the company concerned. If the pre-employment contract ends and the employer does not wish to hire the employee on a permanent basis, he must issue a work certificate indicating the entire period of employment. Note that the Pre-Employment Contract is a three-sided agreement involving the selected candidate, the employer and the person responsible for employment in the wilayah. The young employee must respect all clauses of the contract binding him with his future employer while the employer is expected to respect the applicant's education profile, report any prolonged absence to the wilayah authorities, and apply the same compensation rules as for all his other employees with a similar job.

Regardless of the different organizations promoting employment, the "politician" in his obligation of dealing with youth unemployment which cripples the society often mentions exaggerated figures in employment creation taking into account the economic realities. Therefore, Prime Minister Mr. BELKHADEM claimed in April 2008¹¹³ that an employment creation programme for 400.000 jobs in one year was feasible while his employment ministers and the one for solidarity do not see the possibility of creating more than 170.000 jobs a year under the most favourable situation.

Finally, in order to help the youth find employment, the daily press (El Watan, El Moudjahid, Liberté, le Quotidien d'Oran, le Soir d'Algérie) of 15.05.08, announces the repeal of the circular

maintenance and preserving of public infrastructures in underprivileged zones;

c) Promoting entrepreneurial spirit and self-employment by encouraging the creation of small businesses.

CRITERIA ESTABLISHED FOR SELECTING PROJECTS ELIGIBLE FOR THE TUP-HIMO PROGRAMME ARE:

1. A public usefulness of the works
2. A minimal percentage of equipment and materials expenses in the overall cost
3. A high intensity of workforce, representing at least 60% of the project's global cost
4. A high internal profitability
5. A possibility of dividing the work into small batches
6. A possibility of hiring unqualified workers
7. A possibility to capitalize on the experience in the sector
8. A positive impact on the environment.

TARGET POPULATION OF THE TUP-HIMO PROGRAMME

Building sites must recruit unemployed people who do not benefit (or who have been excluded from) the Compensation for General Interest Activities Programme. This state compensation is given to people without income in exchange for their participation in activities of general interest organized by municipalities within the Social Safety Net framework.

Furthermore, markets must be entrusted to jobbers, preferably living where their projects are executed. Indeed, it is precisely in view of making markets more accessible to jobbers that the methods of handing over markets have been decentralized and simplified to the extreme, thanks to the management scheme that has been implemented.

113 In the framework of the national Conference on illegal immigration, organized by the National Union of Algerian Youth (UNJA) - Source: Maghreb Economie - du 19-04-2008

no 2 from 25.01.97, lifting the military card obligation (having accomplished or not having to accomplish the national military service) to access a job, in the public as well as the private sector.

New operation for youth employment

A project of order in council regarding the aid operation for integration in employment (DIAP) has been adopted in the Council of Government in the beginning of April 2008. The government wants to elevate the integration of young unemployed under 35 in the work environment to 33% instead of 12% today. This order in council project is established to “encourage all actions and measures to promote employment” of those aged under 35 (85% of the unemployed in Algeria). The new order opens the door to all youth without any discrimination: university graduates, anyone with professional training certificate, youth without any training or qualifications...

Categories of youth concerned and type of encouragements:

University graduates: Integration contract of graduates (CID) with a three year duration with a monthly contribution from the state up to 12.300 dinars during the first year. This monthly contribution will decrease progressively to 10.000 during the second year and 7.800 the third year.

Advanced technicians: monthly contribution of 10.200 dinars the first year, 8.200 dinars the second year and 6.100 for the third year.

Youth out of secondary education or centres for professional training: Professional Integration Contract (CIP) of two years with monthly contribution of 8000 dinars the first year and 6000 dinars the second year.

Young unemployed without diplomas or qualifications: professional integration contract of one year with a monthly contribution of 6000 dinars.

Aside from this cash support, the government will take care of social coverage of young unemployed and also any training for the holder of the integration contract.

The order of council project plans another incentive premium for monthly training of 3000 dinars to those enrolled in a six month training in industries or areas of specialization in deficit on the labour market...

Moreover, fiscal and imposition measures are planned to encourage managers of both public and private companies to recruit a percentage (between 15 and 30%) among young unemployed. Employers will benefit from a tax reduction on the total annual income. The order of council project also plans on an allowance of the employers contribution to social security and other benefits planned by the law no 06-21 regarding supporting and encouragement measures for the promotion of employment and an exemption of the global contribution during training periods for three months. Monthly grants of 1000 dinars will also be allocated for recruiting young unemployed with open-ended contracts¹¹⁴.

3.3.1.3 Labour conditions (minimum/average salary, working hours, security, etc.)

The salaire national minimum garanti (SNMG, minimal legal wage) will be raised on January 1, 2007 to DZD 12,000 per month (approx. EUR 120.)

Average wages in the civil service are about DZD 20,000 and up to DZD 80,000 in the private sector (an engineer makes about DZD 50.000 a month.)

For information, monthly net salaries practiced within organisations are about DZD 60,000 for a senior manager, DZD 30,000 for a project supervisor and DZD 25,000 for an assistant.

Offices are open from Saturday to Wednesday from 8am to noon and from 1pm to 5pm. On Thursdays, they are open from 8am to noon (private businesses only.)

114 « L'Etat met le paquet pour les moins de 35 ans » Emploi - Le Quotidien d'Oran, 19 April 2008 / http://www.lequotidien-oran.com/index.php?news=5102302&archive_date=2008-04-19

Thursday and Friday are the weekend in Algeria (El Jazā'ir).

During the Ramadan, opening hours are modified: from 9am to 3pm Saturday to Wednesday.

Paid holidays are equal to 2.5 days per full month of work, with a maximum of 30 calendar days per year. The reference period for calculating holidays is from July 1 to June 30.

Holidays may be taken at any time during the year, but are usually taken in the summer, from June to September. A holiday may be taken in its entirety or be cut up with authorization from the employer.

3.3.1.4 Accessibility of short-term / occasional jobs

see C.P.E above

3.3.1.5 Lack (high demand) in specific professions

The opening of huge construction sites like the east-west motorway and the launching of resettlement programmes (in the High Plateaus and in the South) should help to reduce unemployment. The motorway will create 501,292 jobs and the resettlement 139,217 jobs.

Generally speaking, job opportunities are good in the building sector.

3.3.1.6 Practical and contact information (employment agencies, newspapers, etc.)

Specialized websites:

<http://www.emploitic.com> Algerian employment website

<http://www.sira-algerie.com> the website of the International Recruitment Fair in Algeria (El Jazā'ir) (organized each year in June in Algiers; you can post your résumé on line)

<http://www.algeriesite.com> Algerian employment website

<http://www.algerieemploi.com> Algerian employment website

<http://www.ibhat.net> Algerian employment website

<http://www.Dz-recrute.com> Algerian employment website

Papers that publish job advertisements:

<http://www.lematin-dz.com>

<http://www.liberte-algerie.com>

<http://www.elmoudjahid.com>

<http://www.elwatan.com>

<http://www.lesoirdalgerie.com>

3.3.2 Contact information relevant to the issue of recognition of degrees obtained elsewhere

Legal recognition of foreign diplomas is done by the Ministry of Higher Education and Research (MERSRS - Ministère de l'enseignement supérieur et de la recherche scientifique):

The application must be submitted to the Direction de la formation supérieure graduée / sous-direction des agréments, du contrôle, et des équivalences. The application must contain the following documents:

- § A personal data sheet
- § A copy of the foreign diploma or degree concerned
- § A copy of other diplomas: baccalaureate or equivalent
- § One stamped enveloped addressed to the applicant
- § The legal recognition form¹¹⁵

Telephone number : + 213 (0)21 91 97 19 / + 213 (0) 21 91 23 23

Bureau des équivalences Poste 442

<http://www.mesrs.edu.dz>

3.3.3 Education and retraining programmes (access to them, costs)

3.3.3.1 By government

The CNAC organizes an education and retraining programme. “The CNAC does not want to limit itself to the role of a general welfare manager. Beyond compensating its recipients, it wants to improve their “employability chances” in order to let them join the labour market speedily.

- By improving their professional qualifications.
- By developing well-aimed and fruitful training programmes practically and pedagogically adapted to their professional background.
- By creating education and retraining management devices in order to create and master an efficient and precise selection and guidance system.”¹¹⁶

3.3.3.2 By private firms

<http://www.formation-dz.com/> Search engine for training opportunities in Algeria (El Jazā'ir)

[http://www.anefa-dz.com /](http://www.anefa-dz.com/) Association Nationale des Organismes de Formation Agréés (National Association of Approved Training Institutions)

This association, created in 1996, federates private training schools active in the field of professional training. Since 2005, the ANEFA has helped young people with no real professional qualifications as well as qualified workers wanting to open their own business to seek employment and assist them with opening their business. This ANEFA programme is called A.V.E.C.

[http://www.cnepd.edu.dz /](http://www.cnepd.edu.dz/) Centre National de l'Enseignement Professionnel à distance (CNEPD)

3.3.3.3 By international organisations or NGOs

The CIARA (Collectif d'Initiation à des Activités de Recherche Appliquée, or Collectivity for Applied Research Activity Initiation): The CIARA is a non-profit organization whose aim is to encourage young graduates to invest their efforts in their country. The CIARA organizes technical training and job-seeking workshops. It welcomes graduate engineers and offers them a 6-month supplementary training including communication and management skills, IT and electronics. Its priority is to facilitate contact between young graduates and industries.¹¹⁷

¹¹⁵Information received from the MERSRS in January 2007

¹¹⁶informations taken from the CNAC website : <http://www.cnac.dz/>.

¹¹⁷Discussion with the Father Joseph Rivat, director of the CIARA, carried out on October 30, 2006, in the buildings of the CIARA.

3.3.4 Starting a new business

90% of the private sector is made of tiny businesses employing 35% of the sector's workforce. Thirty-two percent of these businesses are active in manufacturing (of textiles and leather essentially.) The others are divided between general contractors and services. This structure clearly demonstrates that private investment is directed toward activities by nature little exposed to foreign competition (non-exchangeable goods) and with very short recovery delays. The number of small private businesses except handicrafts was 225,449 in 2004 according to Social Security data; they employed 592,758 workers.¹¹⁸

The website of the Algerian Chamber of Commerce and Industry offers plenty of information as well as a checklist for opening a business:

- The project
- Market analysis
- Financing and subsidy research
- Legal status and taxes
- Paperwork¹¹⁹

3.3.4.1 Legal conditions (registration, corporate forms, minimum capital, etc.)

Trading companies may take one of the following forms:

- Partnership (Société de Personnes)

General Partnership: Société en Nom Collectif (SNC);

Limited Partnership: Société en Commandite Simple (SCS);

Undisclosed Partnership: Société en Participation (SEP);

- Joint-stock company (Société de capitaux)

Limited Liability Company: Société à Responsabilité Limitée (SARL);

Incorporated Sole Proprietorship: Entreprise Unipersonnelle à Responsabilité Limitée (EURL);

Limited Partnership: Société en Commandite Simple (SCS);

Joint-Stock Company: Société Par Actions (SPA);

Limited Partnership With Shares: Société en Commandite Par Actions (SCA);

The minimal capital for a EURL or SARL is DZD 100,000.

Creating a trading company under Algerian law requires the following documents to be produced:

➤ In order to draft the statutes

- A certified copy of each partner's or legal entity shareholder's Trade Register certificate;
- A certified copy of each partner's or legal entity shareholder's statutes;
- The minutes of the constituent General Assembly of the company to be created;
- A certified copy of a proxy printed on paper with the shareholding companies' header in the name of natural persons appointed to sign it;
- Criminal records of legal representatives;
- The owner's property deed and ID to be submitted by the owner in order to establish a

118 Perspectives économiques en Afrique, © BAFD/OCDE 2006

119 http://www.caci.com.dz/REGLEMEN/CRE_ENT.HTM (accessed 4 December 2007)

contract of lease drawn up by a notary;

- A confirmation of non-duplicated company name delivered by the National Trade Register Centre.

➤ In order to open a bank account and free the capital

- Company statutes;

- contract of lease for the company's headquarters;

- Specimen of the legal representative's signature;

- The legal representative's ID.

- In order to register the company at the Trade Register. A recent legislation reform has considerably simplified the registration formalities. Currently, only the following documents are required:

- birth certificate,

- Payment receipt for registration fee and taxes,

- criminal record

- approval for regulated activities,

- Trade Register form

- Recording : The creation and modification of a trading company must be recorded by an acte authentique (a formal authentication document) and published in the Official Bulletin of Legal Announcements (Bulletin Officiel des Annonces Légales) and at the National Trade Register Center.

➤ In terms of taxation:

- natural persons are subject to:

- Professional activity tax (taxe sur l'activité professionnelle, TAP), if the profits stemming from your activity are considered as industrial and trade income, or as non-trade profit.
- Land value tax for all your built or unbuilt properties except those exempt by law;
- Value Added Tax (VAT) for all concluded selling operations.

- legal entities are subject to:

- Company profit tax (impôt sur les bénéfices des sociétés, IBS) on all profits made through your activities;
- Professional activity tax (taxe sur l'activité professionnelle, TAP);
- Land value tax;
- Value Added Tax ¹²⁰

3.3.4.2 Credits and subsidies and access to them (interest rates, creditors, etc.)/

Micro-business scheme (ANSEJ)

For people aged under 35. This scheme aims to help creating and developing production and service activities by young entrepreneurs whose projects are followed and assisted by the ANSEJ (Association Nationale de Soutien à l'Emploi des Jeunes, National Agency for Assisting Youth Employment) This approach also combines personal involvement by the candidates, zero-interest

120 « Investir en Algérie » (« Investing in Algeria »), a guide by the Ministry Delegate for Participation and Investment Promotion (MDPPI). Available at: 193.194.78.233/pdf/economie/guide_invest.pdf (accessed 4 December 2007)

loans granted by the State and regular commercial bank loans, albeit with highly subsidized interest, depending on criteria such as profitability.

ANSEJ's mission is to help young people (aged 19 to 35) to (re-)enter professional life by creating their own business. This is achieved through low-interest loans, fiscal and para fiscal advantages, tax breaks and assistance before and during the project (advice and guidance concerning banks and administrations, etc.)

The ANSEJ only helps with projects under EUR 100,000. The entrepreneur has to contribute personally to the investment depending on the level of investment (from 5% - which cannot exceed EUR 20,000 - to 10% of the investment). The entrepreneur must pay contributions to an insurance fund for young entrepreneur loan risks.

The length of the credit varies according to the nature of the projects and may be from 5 to 7 years.

The repayment instalments are half-yearly or yearly, depending on the nature of the activity and on the length of the credit.

The total amount of the launch rolling capital is determined by the nature of the activity and is integrated in the investment structure. It is maintained and handled by bank financing. The launch rolling capital must cover a period of 3 months.

The ANSEJ finances all kinds of activities (services, handicrafts, etc., but also liberal professions) except basic trade activities (buying and selling products without transforming them). The real problem is the lack of entrepreneurial spirit among Algerians.

The age limit is 35 years but may be raised to 40 if the entrepreneur commits him- or herself to employ at least 3 persons (him- or herself included). Algerian citizenship is required. The ANSEJ decides whether to approve a project within one month. In principle, banks must unblock the funds within 3 months at the latest (to study the business plan and application), but in practice they can refuse. In that case, the ANSEJ will supervise the repayment process instead of the banks.¹²¹

Virtual simulations can be done online to find out the personal contribution, the NRP and the bank credit on the ANSEJ website: <http://www.ansej.org.dz/simulation.asp>

Limitations of the system:

- In practice, this system only addresses young people who already have some qualifications. It seems to finance mostly competent people in developing activities in practically virgin sectors (10,000 projects financed for a total of over EUR 90,000,000...)
- The paperwork involved in the application is rather hefty.
- Moreover, reports abound of red tape and sluggishness within core bank services: a bank can take a year and a half to respond to a credit request, and credits are hard to obtain.
- Payments are made exclusively through invoices directly at the supplier's, which hinders the project's development.
- However, some people suggest that this is the only measure that has actually worked, mainly thanks to all the precautions taken.

Micro-credit scheme (ANGEM): The ANGEM (Association Nationale de Gestion du Micro-crédit, National Agency for Micro-Credit) addresses a poor and underprivileged public.

The conditions are:

- to be at least 18 years old.
- to have qualifications consistent with the planned project.

¹²¹ Meeting with the ANSEJ with Mr. Tayeb HIDJEB (Secretary-general) and Mr. Rachid BOUZAR (Directing of the development and the innovation) on October 29, 2006

- to be able to produce proof of residence.
- to be able to supply 10% of the project's value.
- to pay a one-time adherence fee to the warranty fund priced at 1% of the project's value.
- to pay an annual risk premium to the warranty fund priced at 1% of the project's value.
- to commit oneself to repay the loan and interest to the bank as per agreement with the latter (between 12 and 60 months).

The loan finances projects worth between DZD 30,000 and DZD 400,000 and can be granted either by the ANGEM (90% of zero interest loan and a 10% personal contribution, or mixed financing) or 25% by the ANGEM and the rest by a bank, or triangular financing. In the latter case, banks still apply preferential rates because the ANGEM pays the difference between the preferential and commercial rate.¹²² The advantages can be even more interesting when activities are carried out in one of the priority zones: the South and the High Plateaus. Micro-credit beneficiaries have to adhere to the Warranty Fund as described above.

This system covers the entire country with 47 coordinating branches (one per wilayah and 2 for Algiers, plus one counsellor per daïra. 505 dawair¹²³, or 92%, are currently covered). Counselling and advice for the entrepreneur are free of charge. Decisions are decentralized at wilayah level in order to shorten delays. Financing is still centrally controlled nowadays but should be decentralized as well as of December 2006. Currently, when a financing application is complete, the ANGEM announces its decision within 20 days (a selection committee meets every 15 days). The money is thus unblocked within a month on average, but this delay should be shortened when the system becomes computerized. As far as partner banks are concerned, three agreements have been signed with BNA, BADR and BDL.

As for paperwork, if the applicant has no official residence, a lodging certificate is necessary. Recipients who have to or who wish so can validate their know-how by a traineeship done in a handicraft centre (2 to 3 weeks, paid by the ANGEM). The ANGEM can also finance informal activities up to a certain amount. In mixed loans, money is transferred directly to the recipient; if not, it is granted by the bank in the form of a check for the supplier.

The ANGEM considers itself as a supplement to other State-organized financing schemes such as the ANSEJ, CNAC, ANDI, etc. Its aim is to support minor jobs or projects (that do not require heavy infrastructure), especially for housewives (think sewing jobs, for instance).¹²⁴

Activity Creation Scheme: closely linked to the Unemployment Insurance, this scheme has been gradually implemented since January 2004. It is meant for unemployed people aged 35 to 50 who wish to open a business themselves or in groups and having professional qualifications and know-how consistent with their planned activity.

Are eligible:

- Unemployed entrepreneurs aged 35 to 50.
- Recipients of the National Unemployment Fund.

Conditions:

- Age between 35 and 50,
- Legal residence in Algeria (El Jazā'ir),
- No paid job held at the time the application is submitted,
- Having been registered as job seeker at the ANEM for at least six months,

¹²² An interest rate of 2% is paid by the recipient, the difference between that and the commercial rate is paid by the public treasury

¹²³ Dawair = plural of daïra

¹²⁴ Interview with the ANGEM with Mr. AOUAIDJIA (Director of studies and Information systems) and Mr. DJEBNOUNE (Directing of the development of the Programs) on October 29, 2006

- Or being a CNAC aid recipient,
- Possessing professional qualifications and/or know-how consistent with the planned activity,
- Participating in the financing of one's project,
- Not having exercised any individual professional activity for at least 12 months,
- Never having received any aid for activity creation.

The applicant has to present himself at the:

- Agence Nationale de l'Emploi (ANEM),
- Caisse Nationale d'Assurance Chômage (CNAC).

Business creation assistance scheme

The CNAC has created the Centre d'Aide au Travail Indépendant (Center for Independent Work Assistance, CATI), a place where potential entrepreneurs may ask for help concerning paperwork and procedures. A team of advisors shall:

- Inform the potential entrepreneur about the various steps to take when creating a business.
- Guide the potential entrepreneur as to enable him to make educated decisions when confronted by basic options relative to his project.
- Train the potential entrepreneur to teach him basic knowledge necessary for his project.
- Assist the potential entrepreneur to avoid distractions that could interrupt his creative process.

3.3.5 Social Security

In Algeria (El Jazā'ir), welfare financing is assured by contributions deduced from salaries and supported by workers and by businesses. The global rate is determined by law but the distribution of the contributions between different branches is determined by decree which allows greater flexibility when balancing the funds between each branch.

Health insurance coverage is by and large universal; however, other risks are much less covered.

Indeed, workers, salaried and non-salaried, pensioners and students, apprentices, the disabled and jobless, the mujahideen (ex combatants), welfare recipients and families of the insured (as long as the insured person can produce proof concerning marriage and children) are all covered by health insurance.

However, there is a serious problem concerning people "active" in the informal sector, whose numbers are estimated at 1.5 million. Those people have no Social Security coverage whatsoever.

Strangely enough, it seems that only salaried workers are covered by invalidity, accident at work, death, retirement and early retirement insurance, as long as they comply with conditions of affiliation, of work time and possibly age at the moment the risk presents itself. As far as accidents at work and occupational disease are concerned, it is sufficient merely to prove the professional character of the accident or illness.¹²⁵

According to the statistic note dated 9 December 2006 and data base from October the same year, the CNAS gives the following numbers regarding social insurance:

Active employee paying contributions: 4.173.297

Retired: 1.261.040

Disability pensioners and pension: 277.636

Unemployment pensioners: 26.378

¹²⁵From La protection sociale dans les Pays du Sud et de l'Est de la Méditerranée Etat des lieux et perspectives / Forum Syndical Euromed, 2003

Students: 1.332.004

Moudjahidines (veterans): 94.706

Social (AFS/IAIG): 660.943

Other particular categories: 1.369

Other socially insured (military and gendarmes): 614.800

Total: 8.442.173 socially insured

These numbers are edifying as to the number of paid employees insured compared to the active population estimated in October 2007 to 8.594.000. This brings up to 4.400.000 the number of active persons not contributing to social security (i.e. not covered) and working on the black market. According to the CNAC, the number of unemployed enjoying the CNAC benefits has tremendously dropped as it goes from 189.830 in 2006 to 26.378 at the end of 2007.¹²⁶

In the current Algerian social security system, a standardization of schemes and advantages has been implemented. Algerian social security includes:

- Insurance covering illness, motherhood, invalidity and death,
- Retirement pensions,
- Accidents at work and occupational diseases,
- Family benefits,
- Unemployment insurance protecting salaried workers against an involuntary loss of job due to economic reasons. This insurance is managed by the CNAC,
- Early retirement.

Organisation

Two national funds, the CNAS (Caisse Nationale d'Assurances Sociales des travailleurs salariés, National Welfare Fund for Salaried Workers) and the CNR (Caisse Nationale de Retraite, National Retirement Fund) are under the governance of the Minister responsible for social security.

In every wilayah, the CNAS and the CNR have their own "Wilayah Agency" that works as their local outlet.

Financing

In Algeria (El Jazā'ir), all people of all nationalities who exercise a salaried or similar activity or are on a traineeships are obligatorily covered by Social Security.

Contribution rates as of January 1, 2005

Branch	Employer	Worker	Total
Welfare	12,5 %	1,5 %	14 %
Accidents at work	1,25 %	-	1,25 %
Retirement	9,5 %	6,5 %	16 %
Unemployment insurance	1,25 %	0,5 %	1,75 %
Early retirement	0,5 %	0,5 %	1 % (1)

¹²⁶ Statistic note from CNAC on 9 December 2006 and Bulletin of CNAC on: <http://www.cnac.dz>.

Branch	Employer	Worker	Total
Total	25 %	9 %	34 %

(1) The employer's benefit scheme contribute to the financing of early retirement at a rate of 0.5%

Contributions are paid based on the employee's salaire de poste¹²⁷ which corresponds to the ceiling salary per activity type taken into account when calculating the contributions (the exact term being salaire soumis à cotisations (salary subject to contributions) as defined by law 90-11 relative to employment relations.¹²⁸

3.3.5.1 Unemployment benefits and access to them

All the following data is extracted from the CNAC website: <http://www.cnac.dz/>

The law on unemployment insurance came into force on July 1, 1994.

Conditions

To be able to benefit from unemployment benefits, the salaried worker must:

- have lost his employment involuntarily for economic reasons,
- have been an affiliated member of social security for a cumulative period of at least 3 years,
- have paid contributions during the six months preceding his dismissal,
- have been registered as a job seeker for at least two months.

Period of benefit reception

The period during which the unemployed person receives his or her benefits is determined as follows: two months of benefits per year of contributions; the benefit reception period cannot be shorter than 12 months or longer than 36 months.

Amount

The reference salary which is used to calculate benefits is determined as follows: the sum of the "average monthly salary of the twelve months immediately preceding the dismissal" and the minimum legal wage is divided by two.

The total period of benefit reception is divided in four equal parts. During the first period, the recipient receives 100% of the reference salary. During the second period, he receives 80% of the reference salary, then 60% during the third period and finally 50%.

The monthly welfare check can however represent neither less than 75% of the minimal legal wage nor more than three times the minimal wage.

3.3.5.2 Sickness benefits and access to them

In order to be able to take advantage of payment in kind from health insurance as well as cash benefits during the first six months, the recipient must have worked for at least 15 days or 100 hours during the calendar quarter preceding the date of medical treatment or 60 days/400 hours

¹²⁷ Translator's note: Salaire de poste is a specifically Algerian term which has no equivalent in English

¹²⁸ Most information in this section comes from the website of the Center of European and International Liaisons for Social Security (CLEISS): http://www.cleiss.fr/docs/regimes/regime_algerie.html (translator's note: no English version as of 25 Feb 2006)

during the 12 months preceding the medical treatment.

In order to be eligible for daily cash payments beyond the first six months, the recipient must have worked for at least 60 days or 400 hours during the 12 months preceding his sick leave or for at least 180 days or 1200 hours during the three years preceding his sick leave.

Payment in kind

Payment in kind is offered to the insured and his family (a non-working spouse; children up to 18 years old or 21 if still studying, 25 if on apprenticeship, or of whatever age if incapable to exercise any paid activity due to a medical condition; parents of the insured or of his/her spouse if their income does not exceed the minimum legal pension).

The insured pays all the fees and asks for a refund at the fund he is affiliated with via a document (feuille de soins) filled in by his doctor, unless he addresses himself to a practitioner, a pharmacist or a clinic having passed an agreement allowing it to receive third-party payments.

Medical expenses are refunded if the social security organism has issued an official undertaking to reimburse medical expenses. For expenses involving major prostheses, one must first obtain an opinion issued by the insurer based on a price estimate.

In the case of hospitalization in a public health facility, expenses involving the stay and treatments received will be paid according to the agreement between the social security organism and medical facility concerned.

Daily benefits

From the first to the fifteenth day of sick leave, the amount of daily benefits is equal to 50% of the salary taken as reference for contributions, after subtracting the aforementioned contributions and taxes. Beginning on the sixteenth day of sick leave, in the event of a long illness or hospitalization, the amount of daily benefits is equal to 100% of the reference salary.

The daily benefits are due for every working and weekend day of sick leave and it cannot exceed, depending on the case, 1/60th or 1/30th of the reference salary.

Preservation of rights

In the case where the insured person's tax liability has ceased, he preserves his right to payment in kind during:

- 3 months if the worker can prove having worked for 30 days or 200 hours during the year preceding the cessation of activities;
- 6 months if the worker can prove having worked for 60 days or 400 hours during the year preceding the cessation of activities;
- 12 months if the worker can prove having worked for 120 days or 800 hours during the year preceding the cessation of activities.

Accidents at work and occupational diseases

This category includes accident that occurred during work and commuting as well as occupational diseases of which there is an official list.

The right to payment in kind and in cash is guaranteed whatever the previous length of work has been.

1) Medical treatment

The refund is 100% of the legal tariffs provided for in social security regulations.

2) Temporary disability

A daily benefit granted on the day following the accident is equal to a daily salary and cannot exceed 1/30th of the worker's monthly wage. The benefit for the day of the accident is to be paid by the employer.

The daily benefit cannot be lower than eight times the net legal hourly wage.

3) Permanent disability

The amount of compensation is calculated by multiplying the average salaire de poste the victim received during the twelve month preceding the accident by a disability factor determined by an officially appointed doctor (médecin-conseil). The salary considered cannot amount to less than two thousand three hundred times the minimal legal wage.

If the disability factor is higher than 10%, a disability benefit is granted. The benefit may be raised by 45% if the victim has become dependent on other people. This raise can in no case be lower than DZD 13,230 per year.

4) Surviving family

Pension

The pension granted to surviving family members of an accident-at-work victim are the same as in the case of death insurance.

Death benefit

A death benefit may be granted to the family of the deceased. Its amount is equivalent to twelve times the amount of the last monthly wage taken as a base for calculating social security contributions but not lower than the minimal legal wage. In the case of a pensioner, the death benefit is equal to twelve months' worth of the deceased's pension. The death benefit may not be combined with a death benefit paid within the scope of social security.

3.3.5.3 Family allowances and access to them

Family allowances

Family allowances still retain their original character of a "salary supplement", hence their financing by businesses and benefits limited to salaried or similar-status workers.

In spite of being subsidized by the national budget, family allowances have never been extended to other categories of citizens and have certainly not become widespread.

Family allowances are thus paid to workers supporting families, as long as they have been paying their contributions based on a salary equal to at least half of the minimal legal wage.

The right to receive family allowances is however preserved if a worker had to cease his activities due to illness, disability, an accident at work, compensated unemployment or retirement, etc.

Everyone with at least one child is eligible for family benefits if the child is under 17, or under 21 if the child is still studying or training or is unable to work due to a handicap or long-term illness.

There is no upper limit of children covered by family allowances.

Since October 1, 1995, the amount of family allowance granted depends on the recipient's income and on the number of children:

For a recipient with an income equal to or lower than DZD 15,000 per month, the family benefits will be as follows:

For recipients earning more than the salary mentioned above, family benefits will amount to DZD

per month and per child no matter how many children he has.¹²⁹

School allowance

This annual benefit is paid once in its entirety for each child attending school and aged 6 to 21. Its amount depends on family income:

If the recipient's monthly income is equal to or lower than DZD 15,000, the school allowance is:

- DZD 800 per child for the first five children
- DZD 400 per child from the sixth child upwards.

If the recipient's monthly income exceeds DZD 15,000, the school allowance is DZD 400 per child.

Finally, within the ramifications of the State's welfare law and family policies:

- recipients of a fixed solidarity allowance receive a DZD 120 benefit per person supported for a maximum of 3 persons;
- scholarships for secondary and higher education can also be granted;
- income tax is adapted to each family's situation.

Moreover, in almost all public-sector businesses and organisms, a one-time salary compensation is granted when the worker's spouse does not exercise any activity. The exact amount of this compensation varies as it is negotiated between workers and management and determined in a collective agreement.¹³⁰

School premium

A school premium to the poorest for the academic year 2008/2009 has been revisited upwards and reaches 3000 DZD. Around 3 million children in the entire territory should benefit from it. Other efforts, such as free school books, free lunches, health cover, transport to school and medical assistance should be provided for the poorest¹³¹ (children from families in need, orphans, children victims of terrorism, children whose parents' monthly revenue does not exceed 8000 DZD).

3.3.5.4 Other benefits in the social welfare system

The Ministry of Employment and National Solidarity has elaborated specific and adapted programmes to insure care to the population suffering from poverty, the handicapped and to prevent their social exclusion due to lack of material or capacity¹³².

Allocation Forfaitaire de Solidarité (A.F.S., Fixed Solidarity Allowance) is DZD 1,000 per month and per household. Moreover, all household members are entitled to free medical treatment and can have their medicine refunded. The Fixed Solidarity Allowance intended to those affected by chronic disease, to heads of families without any income, to the elderly without resources and to handicaps is currently of 1000 DZD per month.

¹²⁹ La protection sociale dans les Pays du Sud et de l'Est de la Méditerranée Etat des lieux et perspectives, F. Paz y Solidaridad Serafín Aliaga, Forum Syndical Euromed, 2003
<http://www.pazysolidaridad.ccoo.es/web/recursos.asp?id=33&idrecursos=124> (accessed 4 December 2007)

¹³⁰ La protection sociale dans les Pays du Sud et de l'Est de la Méditerranée Etat des lieux et perspectives / F. Paz y Solidaridad Serafín Aliaga / Forum Syndical Euromed - 2003 -
<http://www.pazysolidaridad.ccoo.es/web/recursos.asp?id=33&idrecursos=124> - (accessed 4 December 2007)

¹³¹ "la prime de scolarité sera de 3000 DA" - El Watan - 11/09/08

¹³² Mrs REMKI, director for Education at the Ministry of National Education, 15 October 2008

The heads of families without income can receive an extra allowance of 120 DZD per child, per month but it is only given for three children under the age of 18.

The single mother without income (single-mother allowance) receives 1300 DZD per month if she has a “normal” child to take care of and 1600 DZD if the child is handicapped¹³³

The Ministry of Solidarity has introduced a bill on increasing the Fixed Solidarity Allowance to 3000 DZD (basic) and 10.000 DZD per month (single-mother allowance) per head of family, applicable the latest at the end of 2008. Moreover, the family members would benefit from free healthcare and get the medicine reimbursed.

A regulation regarding the caring of the elderly (3,5 million out of which many are abandoned by their children) has been adopted but has not yet been published in the official journal. This regulation is also applicable to the elderly from immigration returning to the country. Finally, according to the Direction of Social welfare Algiers (DAS, at the end of November 2008, the new amounts were still not applicable.¹³⁴

Motherhood

Payments in kind

Expenses relative to pregnancy, childbirth and child care are 100% refunded according to officially determined tariffs. Hospitalization expenses for the mother and child are also 100% refunded for up to eight days in hospital. Eligibility conditions are the same as for illness benefits.

Payments in cash

A salaried woman forced to interrupt work because of motherhood is eligible for a daily benefit equal to 100% of her daily salary minus social security contributions and taxes.

Provided that the recipient ceases all paid work while receiving motherhood benefits, she is eligible for a daily benefit during 14 consecutive weeks (beginning six weeks before the expected date of delivery and 8 weeks after childbirth).

Disability pension

1) Definition

An insured person is considered disabled when he or she suffers of a condition reducing his or her working or earning capacity by at least 50%. In order to determine the amount of the disability pension, disabled people are classified into three categories:

1st category: disabled people still able to exercise an activity,

2nd category: disabled people absolutely unable to exercise any kind of activity,

3rd category: disabled people absolutely unable to exercise any kind of activity and who have to rely on other people's help.

2) Eligibility

In order to receive disability compensation, the applicant does not necessarily have to have reached the age of old-age pension settlement, but he has to have been registered for at least a year on the date his disability was officially recorded. Furthermore, he has to comply as of that date with activity conditions necessary to receive money benefits for more than six months.

133 Information gathered at the Direction of Social Action in Algiers (DAS) on 15 October 2008

134 Information gathered at the Direction of Social Action in Algiers (DAS) on 25 November 2008.

3) Amount

The annual amount of the pension is a percentage (which varies depending on the applicant's disability category) of the last salaire de poste earned or, if more advantageous for the applicant, of the average salary of his most well-paid three-year period.

The percentage applied to the above salary is 60% for the first category, 80% for the second and 80% for the third. In the third category, the percentage is raised by a percentage of 45% that must amount to at least DZD 13,230 per year (raise for third party).

The annual disability pension cannot be lower than 2300 times the legal minimal hourly wage.

At the age of 60 for men and 55 for women, the disability pension is transformed into an old-age pension. It must be the same or higher than the invalidity pension.

4) Reversion

The spouse, the children and parents supported by a deceased recipient of a disability pension are entitled to a disability pension for surviving family members.

www.cnas.dz

Old-age insurance

1) Personal pension

a) Age

The right to a retirement pension is granted:

- At 60 years of age for men who have paid insurance for at least 15 years including at least seven and a half years of effective work during which social security contributions were paid;
- At 55 years of age for women minus one year for each child born and raised for at least nine years and for not more than three children;
- There is no age requirement for a totally and irreversibly disabled worker who cannot obtain a disability pension;
- 50 years of age for anyone who has paid insurance for at least twenty years. Women may ask for retirement at 45 if insured during 15 years;
- There is no age requirement for anyone who has been insured for 32 whole years.

b) Amount

The amount of pension received is 2.5% times years of insurance times average salary from which social security contributions have been paid during the last five years of work or, if more advantageous to the retiree, the highest five-year-period average salary in his or her career.

The maximum amount of pension for a full career spanning 32 years cannot exceed 15 times the value of the legal minimum wage, i.e. DZD 150,000 per month.

A full pension cannot be lower than 75% of the minimum legal wage (DZD 90,000 per year).

In order to adjust for rising living costs, pensions and retirement benefits have been raised on May 1, 2004 by 6% for pensions and benefits granted before January 1, 1992 and by 4% for pensions and benefits granted between January 1, 1992 and December 31, 2002.

c) Raise on account of supported spouse

Any pension can be raised by DZD 1,000 per month (if pension was settled after January 1, 2000) or by DZD 1,731 (if settled before that date) if the recipient supports a spouse whose own income is lower than the minimal legal retirement pension. Only one raise of this kind can be granted, even if the recipient has more than one wife.

d) Retirement benefits

If at the age of 60 a worker has not worked for the minimum of 15 years to be eligible for a pension, but has completed at least five years of insurance, he may apply for retirement benefits.

Early retirement

An early retirement pension is reserved for employees who lose their job involuntarily for economic reasons like layoffs or the employer ceasing activities.

1) Amount

The calculation formula is the same as for personal pension settled at legal age, but the result obtained is reduced by 1% per year of anticipation. However, this sum cannot be lower than 75% of a yearly SNMG.

A person entitled to an early retirement pension may have it raised by DZD 1,250 per month if he is supporting a spouse.

2) Increase for third party

Disabled people having obtained their old-age pension settlement without the age condition shall be able to obtain a 45% raise of their pension (but not less than DZD 13,230 per year) for a third party.

3) Surviving family

The spouse, supported children (aged up to 18, or 21 for students and trainees) and supported parents are entitled to a reversion pension.

The widow is entitled to this pension whatever her age may be.

The amount of this pension is a percentage of the pension the de cujus received or would have received. The reversion pension is calculated for a minimum period of 15 years, whatever the insured person's age or time spent working.

Total amount of the pension:

- for the widow and if no other recipients exist, 75% of the pension of the "de cujus", or around DZD 5,625 per month.
- For the spouse plus one other recipient: 50% for the spouse plus 30% for the other recipient (child or parent), i.e. DZD 3,750 for the widow and DZD 2,250 for the other recipient.
- If more than one recipient: 50% for the spouse (DZD 3,750) and 40% (DZD 3,000) equally divided between the other recipients.

If there is only one child recipient: 45%. The cumulative amount of the recipients' pensions is 90%, limited to 45% if the recipient is a child and 30% when he or she is a parent.

3.3.5.5 Special benefits for returnees

Does not apply

3.3.6 Charity organisations with a general scope (services, contact information)

Although the Algerian community world exists in a formal way since the Independence; it only got its autonomy after the promulgation of the law on the freedom of associations in 1989. Therefore it is a young movement demanding and working towards achieving human rights, identity recognition and freedom of speech. The dark years brought a new configuration of the association world, dealing with the right of the child, the women, the handicapped, the citizenship education

of the victims of terrorism...¹³⁵

According to a national survey on the association movement in Algeria (entitled “The phenomena of association in Algeria”) conducted by the sociologist Omar Derras (National Centre for research in social and cultural anthropology, CRASC), it is revealed that out of the 75000 associations declared and approved by the Ministry of Interior and Local Authorities, only 1500 were active at national level. The associations of contest or vindication of human rights defence (such as Associations for human rights, women’s rights, professional associations, cultural association for the defence of the Amazighe language, for the cultural heritage, for the consumers and fighting against corruption) were a minority, were marginalized and followed closely by the public authorities. The dominating association (such as humanitarian or social associations helped by the Ministry of Employment and National Solidarity, sports clubs and youth organizations overseen by the Ministry of Youth and Sports) are very often created directly or indirectly on the public authorities’ initiative in order to collaborate and support with the government¹³⁶.

FOREM, approved in December 1990 (date of the law on Algerian Associations) is an association of volunteers with a group of paid officials. It is active in the scientific and humanitarian areas (children, women, human rights) and is centred in 3 principle lines:

- Humanitarian and solidarity actions including the care of victims of violence.
- Prevention actions, covering principally social scourges such as AIDS, drug addiction, malnutrition, environment protection...
- Training and research actions¹³⁷

The following associations and organizations are mentioned In the Algerian Association guide ¹³⁸:

APPELLATION	HEADQUARTER	WEBSITE	E-MAIL
Association des parents d’infirmes moteurs d’origine cérébrale	Sétif	www.apimc	Apimc.setif@yahoo.fr
Association Défi et Espoir de lutte contre les Myopathies ADEM	Constantine		Adem600@yahoo.fr
Fédération des associations des handicapés moteurs	Algiers		Fahm01@hotmail.com
Ligue des activités de loisirs éducatifs pour enfants en milieu hospitalier	Algiers		laleemh@yahoo.fr
Association des Etudiants en Médecine et des jeunes Médecins LE SOUK	Algiers	www.lesouk-dz.com	lesouk@hotmail.com
Association d’aide, d’assistance et de promotion des droits de l’enfant malade BESMA	Constantine		Allaoua11@yahoo.fr

135 Djamel Benramadane et Habiba Djahnine, “Associations algériennes - des parcours et des expériences”, Algiers 2008.

136 “La plupart des ONG sont inactives”, El Watan, 25 avril 2007

137 Informations gathered during an interview with Professor Khiati, President of FOREM, in his clinic, 4 november 2006.

138 Djamel Benramadane et Habiba Djahnine, “Associations algériennes - des parcours et des expériences”, Algiers 2008, p.7

Association Algérienne enfance et familles d'accueil bénévoles AAEFAB	Algiers	www.aefab.free.fr	aaefabdz@yahoo.fr
Fondation Mahfoud Boucebcı Recherche et Culture	Algiers		fmboucebcı@yahoo.fr
Association pour la réhabilitation psycho-éducative infato-juvénile ARPEIJ	Blida	www.arpeij.africa-web.org	arpeij@altern.org
Société algérienne pour l'aide psychologique, la recherche et la formation SARP	Algiers		Sarp.sarp@gmail.com
Association pour l'Information sur les drogues et le Sida AIDS Algérie	Algiers	www.aidsalgerie.org	Aids_algerie@yahoo.fr
Association de Protection Contre le Sida APCS	Oran		Aziz_tadj@yahoo.fr

3.3.7 Useful data to calculate the cost of living (price of petrol, basic food, etc.)

Consumer prices have registered an increase of 5,4 % in the first five months of 2008. This breathtaking increase concerned all the products but mainly the essential goods and food products (mostly fresh agricultural products and industrial products except those produced locally) had the biggest increase in prices. The upward trend of consumer prices might make worse the inflationary tendency in 2008. Therefore, the annual inflation rhythm (May 2007-May 2008) was of 6,3%. This shift is mainly due to the sharp rise of rates for raw material on the world markets¹³⁹.

The essential food product bill as well as the medicine bill keep rising and creates a price instability of certain products on the Algerian market. The consumer is facing a dilemma while trying to balance his budget when cereals and by-products have increased by 100% and milk by almost 50%.¹⁴⁰.

The basic shopping basket becomes more and more expensive especially for Algerians with an average wage.¹⁴¹

Nonetheless, rents and service charges (gas, water, Electricity) have remained stable.

Free economy in Algeria has led to prices not being fixed or controlled by the state and therefore leading to heavy instability and variability. The two essential products still subsidised by the state are bread and milk but they aren't always available (production lower than demand) One litre of milk costs 25 DZD and the 250gr baguette costs between 8,5 to 10 DA (improved bread or not). All other products are subject to curb market.

Current prices for various products :

Household appliances:

TV: from 15.000,00 DZD

Refrigerator: from 25.000,00 DZD

Cooker: from 15.000,00 DZD

139 «Le rythme d'inflation annuel évalué à 6,3%: hausse des prix des produits alimentaires» - El Watan, 19 June 2008

140 "La facture alimentaire et des médicaments s'alourdit" - Le Quotidien d'Oran - 29-07-08

141 "Les produits alimentaires flambent à plus de 9,2%: La vie plus chère en Algérie" - Le Quotidien d'Oran - 29-07-08

Washing-machine: from 20.000,00 DZD

Bedroom: from 50.000,00 DZD

Food :

Sunflower oil: from 140,00 DZD per litre

Olive oil: from 350,00 DZD per litre

Semolina: 45,00 DZD per kilo

Flour: from 30,00 DZD per kilo

Red meat: from 800,00 DZD per kilo

Poultry: 300,00 DZD per kilo

Powder milk: from 250,00 DZD per 500grs

Juice: from 85,00 DZD per litre

Fizzy drinks: from 35 DZD per litre

3.4 Health

There has been a noted general improvement in the state of health of the Algerian population; this is highlighted by the National Human Development Report (produced in cooperation with the UNDP 2006¹⁴²), which provides the following explanations for this change: progress in healthcare for mothers and children; progress in the fight against transmittable diseases through health action programmes implemented and paid for by the government; the significant reduction in water transmitted diseases (typhoid fever, dysentery), combined with the disappearance of cholera; a better estimation of the level of non-transmittable diseases among the population; enhanced training by health, medical and paramedical staff; extended healthcare offered to meet new needs and the diversification in society; better knowledge among the population of how health services are used; advances in access to healthcare across different geographic areas; greater capacity for patient care in public health services; progress in covering the costs of healthcare; implementation of instruments for a national pharmaceutical policy.

“The key indicators on healthcare funding in Algeria show:

- health spending of USD 186 per person, placing Algeria in the top 10 African countries in terms of per capita health spending
- a health budget equivalent to 5% of the total budget
- government spending accounting for 80% of health costs, $\frac{1}{4}$ of which is funded by social security (...)

For a long time, the health situation in Algeria was dominated by transmittable diseases. For about 20 years, there has been a change in health problems, with increased numbers of non-transmittable diseases, notably chronic diseases (cardiovascular diseases, asthma, hypertension, diabetes, cancers, etc). This epidemiological transition is therefore today characterised by the persistence of transmittable diseases (tuberculosis, water transmitted diseases, zoonotic diseases...) which are typical of developing countries, as well as the emergence of “civilisation diseases” which are on a constant increase.

The health system is built on the public sector and private sector. The Ministry of Health,

142 National Human Development Report 2006 - <http://www.dz.undp.org/publications/RNDH%202006.pdf> (accessed 3 December 2007) - Note: the National Report on Human Development (NHDR) in Algeria was presented on 30 July 2008 in Algiers. It was drawn-up by the Economic and Social National Council (CNES). It is the seventh report of that kind in Algeria and the second in collaboration with UNDP, however it has not yet been published.

Population and Hospital Reform (MSPRH) manages the hospital care and healthcare provided to

The public hospital infrastructure is made up of hospitals, Specialised Hospital Establishments (EHS), and University-Hospital Centres (CHU), with a total of 54 000 beds. The facilities for consultations, care and prevention include general clinics, health centres and treatment rooms, medico-social centres, testing units and school healthcare units, university preventive health units, blood transfusion centres and pharmacy dispensaries. The cover today in terms of hospital beds is approximately 1.88 per 1000 inhabitants.

Since the health sector was opened up to private organisations in 1988 (Decree 88-204), many private clinics, consultation practices and radiological centres have been set up throughout Algeria. There are 221 private clinics in operation today.”¹⁴³

- Website Maghreb Health, Santé Maghreb (including the list of Algerian associations working in the health field) <http://www.santetropicale.com/santemag/algerie/index.htm>
- Website of the Ministry of Health (National Health Documentation Agency(ANDS)) <http://www.ands.dz/>
- Website of WHO (World Health Organization) in Algeria <http://www.who.int/countries/dza/fr/>
- Website Algeria Health (Algérie Santé) <http://www.algeriahealth.com/>
- Website of Health and Medicine in Maghreb <http://www.maghrebmed.com.tn/>
- Website with general information, Health heading (news on health) <http://www.algerie-dz.com/rubrique13.html>

3.4.1 General health situation by regions (epidemics, etc.)

According to the Ministry of Health, in less than 50 years of independence the social policy in Algeria, including during the socialism period, resulted in the building of an entire network of facilities, which saw health and health services come within reach of the people, even in desert regions where some of these people were still nomads. The monitoring of health developments has been and continues to be in place, enabling permanent control and follow-up on problems that may arise¹⁴⁴.

Tuberculosis is still monitored, and avian influenza has been the subject of monitoring and highly specialised mechanisms at the level of both the Ministry of Health and the Ministry of Agriculture - Veterinary Services Section.¹⁴⁵

In the case of AIDS¹⁴⁶, according to the estimates of the WHO and UNAIDS, the HIV infection prevalence among adults in Algeria is 0.1% (13 000 cases). The first reported case of AIDS in Algeria was diagnosed in December 1985; since then, the total number of cases has increased steadily, with 700 cases of AIDS and 1908 HIV positive people reported as at 31 December 2005.”¹⁴⁷

143 GIP SPSI Health and Social Protection - Algeria: Health system and social cover - 2006 - www.gipspsi.org/GIP_FR/content/download/2927/25162/version/1/file/Algérie.pdf (consulted 4 December 2007)

144 The main notifiable diseases include: le trachomea: 1,358 cases - hydatid cyst: 692 cases - measles: 12,688 cases - brucellosis: 2,783 cases - viral hepatitis: 2,080 cases - tetanus: 2 cases - whooping cough : 17 cases - dysentery: 1,932 cases - typhoid: 1,110 cases - cutaneous leishmaniasis: 13,749 cases - and meningitis: 6,241 cases. (Statistics of the INSP - National Institute of Public Health - 2003).

145 Source: Ministry of Health - Planning and Standards Section - Interviews 14.08.07

146 For more information, see the website of Sida Info Service “Entretien avec le professeur Laouar Maamar, président d’Aniss, association algérienne de lutte contre le sida” (Interview with Professor Laouar, President of Aniss, an Algerian association fighting AIDS), <http://www.sida-info-service.org/direct/news.php4?id=372> (consulted 4 December 2007)

147 Information found on the website AIDS Algeria <http://www.aidsalgerie.org/> (consulted 4 December 2007)

According to Sida (AIDS) Info Service, 39% of men and women infected with HIV receive antiretroviral therapy under national programmes.¹⁴⁸

On the 24 October 2007, a contract for financial support of about 500 000 USD was signed between Algeria and the Country Programme of the United Nations. This common programme has all the UN system Agencies participating with the task of pushing the principal strategies of the national multi-sector programme for the fight against STI/HIV/AIDS in Algeria (2007-2011). A partnership was also established between the private sector, UNAIDS and the National Committee against Aids (CNLS). The corporate managers Forum was requested to enrol as a national actor against HIV/Aids.¹⁴⁹

According to the President of the Aids Prevention Association APCS¹⁵⁰, the Aids epidemic does great damage and there are today as many women as men suffering from the disease. "The problem with HIV Aids, and consequently screening, is that it is beyond general medicine or health, it is a problem of society and development". This disease is taboo as women are for many the immediate cause of this deadly and shameful disease. Due to the Algerian family code, she cannot ask her husband to use a condom in fear of being repudiated. Persons suffering from the disease face discrimination from hospital staff (dental treatments, surgical operations, haemodialysis ...) that judge, reject and refuse to treat. This is the case for mothers-to-be carrying the virus and that cannot find a place in maternity hospitals.

AIDS is still not recognized as a chronic disease¹⁵¹.

3.4.2 Drinking water¹⁵² and sanitation by regions; heating systems

The issue of drinking water, in general linked to the issue of hygiene, is what determines the health of the people. While hygiene is predominantly a question of education, drinking water presents another type of problem and on a different scale. Algeria remains a country where water is a scarce resource (this is not reflected in the costs of drinking water which remain low).

Algérienne des Eaux (ADE) is the body responsible for managing and distributing water in Algeria. While the majority of wilayas (districts) are officially supplied with drinking water, the cuts are frequent and the supply generally remains insufficient.

In the absence of drinking water, and depending on the buying power, water for hygiene purposes is chlorinated, while water purchased for drinking is mineral water. Alternatively, only the water for drinking is chlorinated. Every year, prior to and during summer, television is used for awareness-raising and information campaigns about water transmittable diseases. However it should be noted that the number of WTDs remains high.¹⁵³

However, an improved drinking water supply is planned for 2008. An article in the Tribune dated 26 August 2007 explains that "last February the Algerian water and drainage company (SEAAL), (...) completed its first year managing public health networks for drainage and drinking water for the capital, (...) and implemented a series of measures (...). This enabled it to better respect the regularity and distribution and, overall, to increase the daily supply, or H24, from 65% in May 2006 to 80% in May 2007. It believes it can achieve 100% during 2008. In other regions of the country, the supply will also be improved with the launching of large projects. (...) A 10% portion of drinking

148 UNAIDS, Rapport sur l'épidémie mondiale de SIDA, 2006 - <http://www.sida-info-service.org/international/algerie/algerie.php4> (consulted 4 December 2007)

149 Algeria Country Progress report - data.unaids.org/pub/Report/2008/algeria_2008_country_progress_report_fr.pdf (access 15 August 2008)

150 Djamel Benramadane et Habiba Djahnine, "Associations algériennes - des parcours et des expériences", Alger 2008, p.81-84.

151 information accessed with Algiers CNAS, 15 October 2008.

152 For more information regarding regions and cities with access to drinking water, visit the link : <http://www.semide.dz/fr/news/default.asp> (accessed on 3 December 2007)

153 Source: C.I.S.P. (Comitato Internazionale per lo Sviluppo dei Popoli), Italian development NGO with an office in Algiers, information provided 13 August 2007.

water supply will be supplied by desalination in the long run representing daily production of more than 2.260 million m³, equivalent to 2.3 billion litres/day.

For daily consumption of 100 litres/inhabitant, the number of people to benefit from this is thus estimated at 23 million.”¹⁵⁴

3.4.3 Health care system (including psychological care)

From a sick person’s point of view, the health system in Algeria is a pyramidal system which requires the person to consult a general practitioner in a State establishment or private practice prior to any referral to a private specialist doctor in a practice or clinic, or an EHS (Specialised Hospital Establishment) or a CHU (University Hospital Centre). In reality, any referral to a specialised doctor or establishment must be given by a general practitioner who may simply be the family doctor. As regards mental health, the same system applies, except that instead of a general practitioner, a psychologist from a local establishment, whether a social body, school or university, refers the patient to a psychologist or psychiatrist in a practice or private clinic, or in an EHS. Psychological support is part of this health system.¹⁵⁵

3.4.3.1 Healthcare infrastructure by regions (hospitals, equipment, etc...)

The rules of creation, organization and functioning of health sectors, set by the orders in council of 2-12-1997 have been repealed by the order in council no 7-140 from 19-5-2007 revising the creation, organization and functioning of public hospital institutions (EPH) and public proximity health institutions (EPSP).

There are currently:

- 189 Public hospital institutions (EPH)
- 273 Public proximity health institutions (EPSP).
- 13 University hospitals (CHU) with a capacity of 13.045 beds.
- 31 specialized hospitals (EHS) with following specialities: psychiatry (10), medical rehabilitation (4), cardio surgery (3), medical oncology (3), neurosurgery (1), infectiology (1), orthopaedic traumatology (2), ophthalmology (1), gynaecology (29), paediatrics (2), plastic surgery (1) and urology (1) with a capacity of 6203 beds.

Maternity facilities:

- 485 public maternities with 4.862 beds. These units, increasing day by day were distributed in 421 maternities integrated into private hospitals and health centres and 64 autonomous maternities.
- 35 private maternities with 470 beds.
- 504 medical social centres (CMS) managed by their guardianship organisms, i.e. professional or interprofessional mutual associations, economic groups, trade-union federations, economic workers council etc.

The number of private clinics reaches 200 and keeps on growing.

This information came from the following websites:

www.ons.dz (statistics 2003)

154 Hasna Yacoub - “Vers amélioration de l'alimentation en eau potable dès 2008” (Towards an improved drinking water supply by 2008) - La Tribune - 26 August 2007 - <http://www.latribune-online.com/2608/n04.htm> (consulted 4 December 2007)

155 Source: Ministry of Health - Planning and Standards Section - Interviews 14.08.07

www.sante.dz

Trade unions and professional associations

<http://www.algerie-monde.com/sante/index.html>

Emergency information (site www.sante.dz)

Samu 09 (Blida) : 0 25 41-09-09

Samu 16 (Algiers) : 0 21 23-50-50

Samu 19 (Sétif) : 0 36 91-60-60

Samu 23 (Annaba) : 0 38 86-23-23

Samu 25 (Constantine) : 0 31 64-12-12/ 64-13-13/ 64-14-14

Samu 26 (Medéa) : Tel : 025.58.88.88 / Fax : 025.58.63.00

Samu 31 (Oran) : 0 41 40-31-31

Duty office of Ministry of Health and Population: 0 21 27-97-93

3.4.3.2 Eligibility criteria and access to health care services

The Algerian constitution reserves the right to health for every citizen.

The access to care, social justice, equity and solidarity are the fundamental principles of national politics regarding health and population. According to the Ministry of Health, there are no criteria imposed to the sick when accessing medical services¹⁵⁶.

During the socialist government period, i.e. until 1992, medicine was free and the infrastructure was such that people were able to have appointments at any level without problems, except for delays in getting appointments with specialists. Today, with the development in the private sector and the end of free care in the State sector, it is certainly easier to access care, however it is costly¹⁵⁷.

It is still easier to access to care, radiographies and consultations (easier and quicker appointments) when someone has a personal contact or the necessary knowledge in a public health centre¹⁵⁸. This phenomenon is called “el maarifa”.

3.4.3.3 Costs of healthcare (treatment, medication, bribes for doctors...)

Healthcare costs in State hospitals are fixed between the health services and the National Social Security Fund (CNAS). For a sick person covered by social security, the costs of consultations, hospitalisation and treatment (excluding non-hospital medicines) are paid directly by the CNAS.

Only those with social security (health insurance) can be immediately reimbursed by the CNAS. For those not covered by social security, the hospitals invoice for the days hospitalised, and all the surgery costs, and others, which the sick or injured person has to pay for. However, the hospital costs are less than in private clinics, yet occasionally some specialists or surgeons working in hospitals require the patient to pay an additional amount, in cash, and outside of the hospital invoicing amount.

In a private clinic, the day is invoiced at between 4 000 and 8 000 DZD, depending on the specialist area, while a normal baby delivery, without any complication, comes to about 35 000 DZD. In a hospital, the same delivery comes to about 12 000 DZD. In a private clinic, a reduction of calculus from the gallbladder, using a celioscopy, costs 50 000 DZD, while in a hospital the same

156 www.sante.dz, access 18 april 09

157 Source : Ministry of Health - Planification and Standardization Direction - Interviews 14.08.07

158 The last affirmation is based on personal findings from our local partners

intervention costs only 18 000 DZD¹⁵⁹.

The Constitution indicates in its article 54 that Algerian state is responsible for the health of its citizens: “all citizens have the right to protection of their health. The State guarantees the prevention and will fight epidemic and endemic diseases.»

The legislation also attributes to the state the health care for the poorest without health insurance, and the training and research by the implication of all sectors of civil society.

Health care is free in the public sector. In the private sector, the price is evaluated according to a scale of consultation prices and surgical operations.

Medicine is reimbursed by the social security funds up to 80% of the total price and 20 % by professional mutual associations. In all, 375 International Non-proprietary Names (INN) out of the 1073 in the types of reimbursed medicine are reimbursed today based on a fixed reference price established by the national reimbursement committee whose is under the presidency of the Ministry of Work and Social Security¹⁶⁰.

Persons with chronic diseases are, after medical control from the social security services taken in charge by the National Social Insurance Fund C.N.A.S). Those without coverage must enter a request at the CNAS office they belong to or at the APC (town hall) of their residence. It is important to mention that the introduction of request (leading to the granting of the card) might take long time and can vary between 2 months and 12 months according to the office.

The Ministry of Health, Population and hospital Reform has set up a national programme¹⁶¹ for the persons suffering from chronic disease (14 million in Algeria, i.e. 38% of the population). An important amount of money (10 billion Dinars) should be used for medicine supply in the framework of the supply bill 2008. This has been done to guarantee the availability of medicine for Hepatitis C, cancer and rare diseases¹⁶².

Nonetheless, regardless of this financial assistance, the sick ones find it hard to get an appointment for biological examination or to find medicine that is out of stock. The medicine for patients suffering from cancer are out of stock which makes them stop their treatment and leads to terrible impacts on their already fragile health¹⁶³.

The country suffers from medicine crisis and medicine stock out. The pharmacies are at the borders of bankruptcy since April 2008 and this leads to the creation of “anarchist and illegal” pharmacies in the county towns of certain wilayas and even in the capital.¹⁶⁴

3.4.3.4 Discriminations in health care system (ethnic, religious, social, etc...)

According to the Ministry of Health, there is no discrimination in the health system. If such cases occur, they are isolated, as is the case with racism or stigmatisation.¹⁶⁵

3.4.3.5 Services of non-state agents in health care (international, NGO, church)

Non-State health services are those in the private sector. Apart from medical practices, there are numerous private and often luxurious clinics, where people must be prepared to pay, often large

159 Source : Pharmacie CHOJAKRI Saïd, Rue Debbih Cherif to Algiers - 13 August 2007

160 El Watan, 6 March 2008, Les médicaments coûteront plus cher - www.elwatan.com

161 The prevention and curative programme for 2007, in the framework of chronic diseases planned on spending 200 billion cents on orphan disease, 500 billion cents on cancer and 100 billion cents for cochlear implants and 3.200 billion cents for viral hepatitis

162 “Des malades chroniques décédés faute de médicaments » - Le Quotidien d'Oran, 2 April 2008 - www.lequotidien-oran.com

163 “Pas de médicaments pour les cancéreux” - El Watan, 18/06/08

164 “Les pharmacies au bord de la faillite” - El Watan, 9-07-08

165 Source: Ministry of Health - Planning and Standards Section - 14.08.07

sums, for the stays and medical interventions. However, there are no international, NGO or church health services offering free medicine to those in need, with perhaps the exception of a few isolated cases or even some special cases as with AIDS.¹⁶⁶ (see specialized organizations at point 3.3.2)

Association SoliMed Algérie - this organisation works mainly, but not exclusively, in the health field through the organisation of Medical Caravans which look to provide specialist care to disadvantaged Algerians. The Medical Caravans mobilise doctors and logisticians all of whom work on a voluntary basis.¹⁶⁷

Maghreb Health website (includes the list of Algerian associations working in the health field) <http://www.santetropicale.com/santemag/algerie/index.htm>.

There are 176 private hospitals throughout the country that are non-governmental; there is one private Cuban hospital in the Djelfa Wilaya and more than 2300 general medical practitioners and specialist doctors.

The first Red Crescent health centre in Constantine was opened in the beginning of 2003. Situated in the city centre, it offers free medical assistance to poor adults and children.

Apart from medical assistance, the centre offers psychological support to children victims of violence and is there to listen and consult. Moreover, the centre has a paramedical practice and a pharmacy with free distribution of medicine depending on availability¹⁶⁸.

3.4.3.6 Diseases which cannot be effectively treated in the country

According to the Ministry of Health, there are no illnesses that cannot be treated effectively in Algeria. The Ministry nonetheless recognises the weakness of palliative care or support in health establishments, but expects this to improve in the very near future.¹⁶⁹

3.4.3.7 Supply with standard medicines

Standard medication is available, and depending on its classification, is provided on medical prescription or otherwise. Certain medication referred to as “hospital” medication, is not held by the Central Pharmacy of Hospitals, but can be obtained from this body in certain special cases, but only on prescription.¹⁷⁰

Regarding medication, the list established by the Ministry of Health guarantees the availability of all specialist medication. However, some very specific medication is very expensive, namely medication related to cancer treatment. As for standard medication, it is so low in price that many Algerian expatriates have the medication, which is prescribed by their doctor in France or elsewhere in Europe, purchased in Algeria.¹⁷¹

As mentioned above, treatments usually exist but sometimes stock-outs of medicine treating chronic diseases prevent people from being treated correctly. The Minister of Health, Population and hospital Reform, Mr. Amar Tou denies the stock-out of medicine treating chronic and rare diseases in hospital structures¹⁷²

166 Source: C.I.S.P. (Comitato Internazionale per lo Sviluppo dei Popoli), Italian development NGO with an office in Algiers, information provided 13 August 2007

167 <http://www.solimed.net/> (access 4 December 2007)

168 www.cra-dz.org (accès le 03/12/07)

169 Source: Ministry of Health - Planning and Standards Section - Interviews 14.08.07

170 Source: Pharmacie CHOUAKRI Saïd, Rue Debbih Cherif, Algiers - 13 August 2007

171 Source: Pharmacie CHOUAKRI Saïd, Rue Debbih Cherif, Algiers - 13 August 2007

172 “Le ministre nie toute rupture de stock » - Le Quotidien d'Oran , 6 April 2008 - www.lequotidien-

4 Human Rights

4.1 Women

The 1996 constitution unequivocally lays down the principle of equality between men and women, and ensures equality of rights of all citizens in all areas of society (as demonstrated by articles 29, 31, 51, 52 and 53).

On June, 9 1984, the Algerian People's National Assembly (APN) has voted a bill called the Family Code. This text, based on the Chari'a, institutionalises the inferiority of half the population vis à vis the other half.

Despite constitutional provisions providing gender equality as demonstrated by article 29 of the Algerian Constitution, the Family Code affirms sub-citizenship status for women as confirmed by:

- article 11 which stipulates that women must be given in marriage by a tutor;
- article 39 which stipulates : the duty of the wife is to obey her husband (article 39);
- article 08 which permits polygamy;
- the father is always granted guardianship of the children in case of divorce;
- the parental authority is given only to the father and denied to the mother (article 87);
- muslim Algerian women are not permitted to marry non-muslims (article 31);
- women's unequal access to inheritance (articles 126, 183).

Algeria is a signatory of the International Convention on the Elimination of All Forms of Discrimination against Women¹⁷³.

Since the beginning of 2009, a presidential decree (published in the official government register on February 7th 2009) allows Algerian women to pass on their nationality to their children. This decree comes after Algeria suppressed its reservation on an article of the 1979 Convention on the elimination of all forms of discrimination against women. Children of many Algerian women married to foreigners should benefit from this measure¹⁷⁴.

The US State Department Report on Human Rights Practices 2007¹⁷⁵ (USSD 2006), published on 11 March 08, states that: "Women suffer from discrimination in inheritance claims. In accordance with Shari'a, women are entitled to a smaller portion of an estate than are male children or a deceased husband's brothers. According to Shari'a, such a distinction is justified because other provisions require that the husband's income and assets are to be used to support the family, while the wife's remain, in principle, her own. However, in practice women do not always have exclusive control over assets that they bring to a marriage or that they earn themselves. Married women under 18 years of age may not travel abroad without permission of their husbands. Married women may take out business loans and use their own financial resources. According to the National Center of Trade Records, 9.500 women had their own businesses in 2006. According to a February report by the National Office of Statistics, there were 1.179.000 women workers and 858.000 unemployed women in the country"

[iran.com](http://www.iran.com) -

173 <http://www.un.org/womenwatch/daw/cedaw/text/fconvention.htm>

174 « Droits: les Algériennes autorisées à transmettre leur nationalité à leurs enfants (Rights: Algerian women authorised to pass their nationality to their children) », El watan, February 8th 2009

175 2007 Report on Human Rights Practices: Algeria, March 11th 2008

<http://www.state.gov/g/drl/rls/hrrpt/2007/100592.htm> (consulted September 7th 2008)

4.1.1 Specific risks to women

In her report on violence against women in Algeria¹⁷⁶ published in February 2008, the special rapporteur Yakin Ertürk made the following observations:

Since independence, Algerian women have made remarkable advances in education (although gender gaps continue at various levels and among certain professions including judges, teachers, medical doctors...).

However, marginalization and feminized poverty remain areas of great concern. Women who are socially stigmatized, including divorced, separated and deserted women, unmarried mothers and street women are particularly vulnerable.

While women enjoy formal legal equality in the public sphere, they lack equal access to the labour market and decision-making positions.

Many women are still subject to oppression and discrimination in the community and family circle.

The Family Code has been considerably improved but retains institutions that disadvantaged women (most significantly with regard to inheritance and the material consequences of divorce)

Violence against women in the private sphere is pervasive (the ejection of women and girls into the street is a particularly egregious form of such violence)

Sexual harassment and abuse in public institutions is an emerging issue with diverse consequences for women.

The national machinery for women lacks the legal and financial means to effectively address women's human rights violations.

Women are discouraged from denouncing violence to the authorities and the State fails to adequately protect and support those women that do seek justice. This failure manifests itself in gaps in the legal framework, lack of specialized women's shelters, gender bias among police officers, lax sentencing practices and inequitable marital property regime.

Impunity for perpetrators of sexual violence committed during the « black decade ».

The wives, mothers and daughters of the disappeared are still denied their right to truth which is tantamount to emotional violence and they face difficulties in accessing the compensation promised under the Charter for Reconciliation.

In Algeria, violence (especially of a sexual nature) committed against women remains widespread, has significantly increased in 2007 and increases all the time. All Algerian cities are concerned, but it happens more frequently in the big cities (Alger, Sétif, Oran, Mostaganem, Chlef). There is less violence in the Southern wilayas, or maybe less complaints of violence are registered over there¹⁷⁷.

According to Amnesty International [traduction], “domestic violence is thought to be prevalent in Algeria. The government has acknowledged not only that violence in the family is increasingly a problem in Algeria, but also the absence of specific legislation protecting women from violence and of statistics on the prevalence of the problem [...] The study¹⁷⁸ made important recommendations including on the training of state officials and personnel coming into contact with domestic violence, on the creation and reinforcement of centres to shelter victims of domestic violence, on national information and prevention measures and on the need for legal reforms”¹⁷⁹.

176 <http://daccessdds.un.org/doc/UNDOC/GEN/G08/106/84/PDF/G0810684.pdf?OpenElement>

177 Investigation by Lieutenant Ouahiba Boumediene, National Police. El Watan March 20th 2008

178 Wide study on violence towards women in Algeria, carried out between December 2002 and June 2003 by the Institut national de santé publique (INSP, National Institute for Public Health), published in 2005 and available on http://www.ands.dz/insp/INSP_Rapport_Violence_Femmes.pdf.

179 “Algérie: communication au comité des droits de l'homme, Algeria: communication within the human

4.1.2 Specific support for vulnerable women

In total, only three reception centres for female victims of violence are available (shelters for women escaping violence from their household). Among them, two were established by associations. These specialised reception centres are not numerous enough to answer the needs of all the women seeking a place to escape violence:

- National Reception Centre for young girls and women (without children) victims of violence and in distress situation of Bou Ismail.
- Centre for women and children, S.O.S. Women in Distress, Alger.
- Centre for women and children, Association Rachda : Darna, Alger.

Other centres are in project or soon operational¹⁸⁰:

National Reception Centre for young girls and women (without children) victims of violence and in distress situation of Tlemcen (MESN),

Reception centre for unmarried mothers with children, Corso, WASSILA Network,
Dar el insanya, Annaba, AFAD.

The following non-specialised reception centres also host women victims of violence. These are mainly centres or shelters hosting very poor people on a temporary basis (homeless and others). Some of these people are also being cared for by different associations:

Samu social - Algiers Wilaya

Centre for elderly people - Algiers Wilaya

Diar rahma (Alger, Constantine and Oran) disposing of bungalows reserved to unmarried mothers (MESN),

National Samu social for the care of homeless persons (MESN),

Specialised reeducation centres (MESN),

Houses for assisted children (MESN),

Houses for elderly and disabled people (28 located in 23 wilayas), (MESN),

Dar el amel, Blida, Association of help to elderly people,

Houses for elderly people of Souk Ahras et Sedrata, Association of Souk Ahras,

Houses for elderly homeless persons, Constantine, Association for retired railwaymen,

Establishments for victims of terrorism in Algiers, Boumerdès, Bordj el kiffan, Ménéa, el oued, Ouargla, Relizane, and FOREM.

It doesn't strictly speaking exist programs of help to women victims of domestic violence but call centres for women victims of violence exist:

- call centre of Constantine, Association Rachda.
- call centres of Algiers and Batna; helpdesk in Tamanrasset and Djanet, Association S.O.S. Women in Distress.
- call centre of Algiers, Wassila network.
- Judicial and psychological centre of Algiers, Association CIDDEF.

rights committee", Amnesty International, Octobre 2007, p.26.

<http://www.amnesty.org/en/library/asset/MDE28/017/2007/en/dom-MDE280172007fr.pdf>

180 "Stratégie Nationale de lutte contre la violence à l'égard des femmes, National strategy for the struggle against violence towards women » Document done in 2007 by the Delegate Ministry in charge of family and women condition - http://www.ministere-famille.gov.dz/?page=femme_lutte (available from the Oct. 15 2008)

- call centre for women and children victims of violence, Tizi ousou, Association Amusnaw.
- call centre of Algiers for working women victims of sexual harassment in the workplace, UGTA-National Commission of working women.

4.1.3 Contraceptive (women)

According to UNICEF data, contraceptive prevalence (women) is 61% between 2000 et 2006¹⁸¹

A study carried out by the research and studies department of the Ministry of Health, Population and Hospital reform states that 62.5% of women of reproductive age use birth control, compared to 61.4% in 2006. Since the 1960's Algerian public authorities have been asked to provide birth control possibilities while investing in medical education of women¹⁸²

Thanks to awareness and vulgarization campaigns undertaken by this very same Ministry all over the country (including in rural areas), women have a better understanding of birth control possibilities and its importance. Women use mainly 2 birth control possibilities:

Traditional birth control: plants and traditional methods however slowly disappearing.

Modern birth control: in general contraceptive pills (given for free in health centres such as polyclinics), condoms and sterility¹⁸³.

Prescriptions for birth control contraceptives for non married women are not reimbursed by the national health system¹⁸⁴.

- ASSOCIATION ALGERIENNE POUR LA PLANIFICATION FAMILIALE, Algerian association for family planning (14, rue reda houhou, Algiers / tel: 021 54 00 78 / fax: 021 63 60 19)

4.1.4 Abortion

The article 304 on abortions from the Algerian penal code makes provision for disciplinary measure from 1 to 5 years of imprisonment and a financial sanction of 500 to 10,000 DZD. Sanctions may reach 10 to 20 years of imprisonment in case of death. According to the article 308 from the penal code, therapeutic abortions undertaken in a medical context are allowed when they are necessary to save the endangered mother.

According to Amnesty International¹⁸⁵, abortion is criminalized under the Algerian Penal Code. Abortion is only legally allowed in case the mother's life is threatened. On the other hand, there is no specific legal provision allowing abortion for survivors of rape (unless the rape has been committed by members of armed groups). It is to suppose that a certain number of women in Algeria have recourse to services providing illegal abortions.

4.1.5 Single women with children born out of wedlock

The situation of unmarried mothers and abandoned children is a social drama that is unceasingly growing. According to the Centre national d'études et d'analyses pour la population et le développement (National studies and analyses centre for the population and development, Ceneap), more than 5,000 children are born out of wedlock every year. The study's authors state that, since Algerian mentalities are refractory to this phenomenon, the unmarried mothers are not easily identified and prefer anonymity. A proportion of children could therefore remain

181 <http://www.unicef.org/french/infobycountry/algeria.html>

182 "61,4% of women use birth control " - Liberté - 21-07-08

183 This piece of information was given by Doctor MERBOUT, deputy director of transmissible diseases and environmental hygienes; Public Health Ministry.

184 <http://algerie.actudz.com/article1233.html> (consulté le 2 octobre 08)

185 "Algeria: communication within the human rights committee", Amnesty International, October 2007, p 27. <http://www.amnesty.org/en/library/asset/MDE28/017/2007/en/dom-MDE280172007fr.pdf>

unidentified. “Nevertheless, the evolution of society and the associations’ mobilization to this phenomenon allowed many of these mothers to express themselves and to seek help and therefore break the taboo that surrounds them¹⁸⁶”.

According to the Association Algérienne Enfance et Famille d'Accueil Bénévoles AAEFAB’s president (Algerian association for Children and Volunteer Foster families)¹⁸⁷, the situation of mothers who abandon their children is terrible. Most of these women are young, single and come from conservative families that do not accept the single mother status for their daughters. The single mother taboo is still very present in the Algerian society. Being punished by Muslim laws, sexual relations out of wedlock often lead to young and single women hiding their pregnancy in order to avoid disgrace and stigmatization of families. A legal measure allows these young girls to give birth in anonymity in hospitals, giving new-born babies the possibility to be born in fair conditions and to be sent to State nurseries.

« The solidarity ministry records 3,000 unmarried mothers every year. In a society which still does not accept the existence of unmarried mothers, most of them are tempted to abandon their children to state nurseries or leave them in hospitals or on the street”.¹⁸⁸

One percent of all births are illegitimate, i.e. out of wedlock. They are still poorly perceived in the widely conservative Algerian society. Political parties of Islamist tendency consider giving birth in anonymity as “incitement and support of prostitution” and keep getting back to that issue over and over again. Caring of children born in anonymity and single mothers is part of national solidarity¹⁸⁹.

4.2 Men

4.2.1 Military Service

Algerian citizens must perform their military duties. The Algerian army has evolved towards a professional army, meaning traditional conscription is progressively being reduced to the recruitment of professionals who will make a career in the army. However, military service is still maintained due to the existence of terrorism.

A new presidential decree issued in July 2008 aims at implementing new and more rigorous measures concerning exemptions of military obligations for health reasons. New appeal and consultative commissions have to guarantee that the law be respected and an equal approach as for medical abilities, imputability and discharge¹⁹⁰.

Regularisation applications

The regularisation applications regarding national service are always granted and examined in accordance with the calendar of the ad-hoc commission which travels abroad each semester. Therefore there is no deadline for making a regularisation application.

- The regularization which started in the framework of presidential measures affects citizens born

186 Le drame des mères célibataires, Tragedy of unmarried mothers (investigation of CNEAP) [http://www.fmes-france.net/article.php3?id_article=401, article paru le 15 octobre 2006 \(accès le 13 août 2008\).](http://www.fmes-france.net/article.php3?id_article=401, article paru le 15 octobre 2006 (accès le 13 août 2008).)

187 Djamel Benramadane et Habiba Djahnine, “Associations algériennes - des parcours et des expériences, Algerian associations - development and experiences”, Algiers 2008, p.79

188 Article published in Magharebia, July 4th 2008 and mentioned in Home Office Uk Border Agency, Country of Origin Information report Algeria, September 30th 2008, p.127

189 “52% des mères célibataires sont âgées de moins de 25 ans, 52% of unmarried mothers are less than 25”, L'Expression, July 26th 2006 http://www.algeria-watch.org/fr/article/femmes/meres_naissances.htm (accès le 13 août 2008)

190 “Dispense des obligations du service national: l'état-major fixe les nouvelles règles, Exemption of military service obligations: new rules from the High Command” - L'Expression - August 4th 2008

between January 2nd 1959 and December 1st 1980.

- Young Algerians born before December 31st 1981 do not have to justify their position on military service when leaving the national territory.¹⁹¹

Regularisation procedure : According to the website of the Algerian embassy in Ottawa, Algerians can request to be exempted from national service for medical reasons or if they are « the sole supporter of an ascendant or of a collateral relative who is disabled or a minor », or if they are older than 27 years and have paid work. For more information on the procedure to obtain exemption from the national service obligations, see the website of the Algerian embassy <http://www.ambalgott.com> .

According to the website of the Algerian embassy in Ottawa, the regularisation of the national service is granted to draft evaders of the class of 2002 (i.e. people born in 1982), and to « citizens of previous classes who have [completed] or left their studies on 31 December 2001 ». Anyway it is important to note that according to the consular section of the same embassy, this regularisation is granted to persons born in or before 1983 (24 May 2005).

The persons concerned must register for national service with the Algerian authorities and submit the following documents : birth certificate, proof of identity, consular registration card, two photos and a copy of the diplomas (or a certificate of leaving school) (Algerian embassy). The embassy also requires a certificate of activities and an application form, available on the website of the embassy in Arabic only (*ibid.*).

The consular section of the Algerian embassy in Ottawa, in its written communiqué of 24 May 2005, has confirmed that the regularisation procedure regarding national service is the same in Algeria (El Jazā'ir) and abroad.

Algerian consulates abroad must deliver travel documents (among them passports) to all Algerian citizens living abroad, even in the case they did not regularize their situation.¹⁹²

Consequences of non compliance with the *de ne pas respecter les délais* :The consular section has stated that an Algerian citizen who does not comply with the timetable for the regularisation may be considered to be absent without leave by the Algerian authorities (Algerian embassy 24 May 2005).

Moreover according to the consular section , “It is possible that persons who are in an irregular situation with regard to the national service may not obtain a passport. But this are rare occasions since the implementation of regularisation measures (*ibid.*).”

Documents delivered by the State : According to the consular section of the Algerian embassy in Ottawa, two types of documents are issued to persons who have regularised their situation : the provisional deferment card (for persons who continue their studies and who have provided proof thereof) or the exemption card (for persons who have requested regularisation) (*ibid.*).¹⁹³

191Source: MDN: Ministry for National Defense - Office of Recruitment - 17 February 07, Bab-El-Wadi, Algiers.

192 MAE - DGAC - interview from April 22nd 2008

193 Website of UNHCR - <http://www.unhcr.org/cgi-bin/texis/vtx/rsd/print.html?CATEGORY=RSDCOI&id=42df60de7> (accessed 4 December 2007) / This response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. (...) References Algerian Embassy in Ottawa. 24 May 2005. Communiqué in writing by the consular section S.d.a. « Régularisation de situation vis à vis du service national, Regularization of the situation towards national service ». <http://www.ambalgott.com> [Consulted on 9 May 2005] S.d.b. « Service national, National service ». <http://www.ambalgott.com> [Consulted on : May 9th 2005]

4.3 Children

Algeria ratified many conventions on the elimination of children exploitation for profit making, slavery, subservience and forced labour. In particular through:

- The Convention 182 prohibiting the worst types of child labour and immediate measures to eradicate them, completing the recommendation 190 according to the presidential decree 387/2000 dated 28 November 2000.
- The Convention 1949 on the elimination of human trade and the use of people for prostitution.
- The UN Convention on the fight against cross-border organised criminality and its three protocols, among them the protocol regarding the prohibition, repression and punishment of human trade, in particular concerning children.

Even though the penal code contains no specific sentence for pornographic products, Algeria ratified the Convention on the Rights of the Child, which binds the country to protect children from any kind of sexual exploitation and abuse and to take all the necessary arrangements to prohibit the use and exploitation of children in pornographic shows and movies (art. 34 of the Convention). The fight against the use of children, their employment and exhibition to pornographic ends and the fight against any kind of child trade and the control of all IT supports promoting prostitution acts with children, are one of the priorities of the national commission in charge of child protection.

The following measures show Algeria's concern to protect children:

- Caring for children victims of violence in special centres, among them the centre for orphans from terrorism and the open air education services.
- Strengthening of children's rights and legal armoury concerning their protection, mainly through prevention and care for the morally endangered in order to protect them against any kind of violence.
- Implementation within the Ministry of Work and Social Security of a national commission on the prevention and fight against child labour in March 2003.
- Drawing up of a law on child protection (currently being passed).
- Implementing of special brigades for minor protection within the local and national police services¹⁹⁴

4.3.1 Special risks faced by children in general

Despite an important decline of crime these last few years, the number of minors victim of violence (different forms of ill-treatment, among them kidnapping and sexual assaults) remain very high¹⁹⁵

According to a report from the Algerian Work and Solidarity Ministry, national police has dealt with 516 cases of violence towards children within the first four months of 2007, among them accidental deaths, physical ill-treatment, sexual violence, kidnappings and murders. According to the report, more than $\frac{3}{4}$ of child abuse has been perpetrated by parents.¹⁹⁶

194 Delegate ministry in charge of Family and Female conditions - <http://www.ministere-famille.gov.dz/> (access on Oct. 15th 2008)

195 For example, according to an article from El Watan, on the 21,265 victims of crime registered in 2006, 1,676 (8%) were minors. In 2007, minor victims numbered 1,614 out of 18,688 victims (9%), whereas during the first term of 2008, minors accounted for 660 on a total of 6,438 victims (12%), El Watan - Les chiffres qui alarment, Numbers that raise awareness - June 1st 2008)

196 According to the Child Rights Information Network (CRIN) report from July 1st 2008 in Home Office Uk Border Agency, Country of Origin Information report Algeria, September 30th 2008, p.120

4.3.2 Shelters and children missions

According to the UK Foreign and Commonwealth Office (FCO) “The decision to place a child in a home is made by the authorities concerned when they are abandoned at birth, or by the Infants Judge after an investigation into the situation of the infant.” [...] “Care homes for lone children are set up and run by the Government. They are regulated by the law, namely Executive Decree No 92-182 of 13 October 1992. Such care homes are intended to upkeep nurslings and only children below the upper limit of compulsory school attendance may be placed in such homes. They take boys and girls. A number of charities also run care homes, such as the Association Algérienne Enfance et Familles d’Accueil Bénévoles. Algerian families often adopt young children from state and charity homes under the Kafala system of adoption under Islamic law. Kafala is widespread in Algeria. But in nearly all cases it concerns babies” [...]“Older children who lack family support are placed in homes by court order or allocated to foster care. The fostering of children is regulated by the law, namely Ordinance No. 72-103 of 10 February 1972 relating to the Protection of Children and Youth. For the purposes of this law infants are defined as being under 21 years of age. The provisions of Ordinance No. 72-103 applies [sic] to those infants whose health, security, morality or education are in danger. As a consequence they are placed under the protection of the State and the Infants Judge is empowered to take all necessary measures. He may decide, depending on the youth’s situation, to place him in a specialised centre, a care home, or a vocational centre. He may also entrust a person with the care of the child”¹⁹⁷

Shelters:

Houses for assisted children, National Solidarity Ministry in Béjaïa, Biskra, Béchar, Bouira, Tebessa, Tlemcen, Tiaret, Tizi Ouzou, Algiers, Jijel, Saida, Skikda, Sidi Belabbès, Annaba, Guelma, Constantine, Medea, Mostaganem, Mascara, Oran, Boumerdes, Eltarf, Khenchla, Souk Ahras, Ain Defla, Ain Temouchent

prevention program and care of women and children victims of violences by Médecins du Monde in collaboration with local actors¹⁹⁸.

Mission of Enfants du Monde-Droit de l'homme

<http://www.emdh.org/website/emdhwebsite/missions/algerie.html>

Algerian network for children rights defence (105, rue Didouche Mourad, Alger / tél: 0662 909 980 / fax: 021 23 79 85)

SOS-KINDERDORF International (Algiers Wilaya / tél: 021 35 01 34/www.villages-enfants-sos.org)

Association ER-RAHMA (cité des 100 logt CNEP, Bte B1, route des concessions - 06000 Béjaïa / tél : 0554 82 28 64 / 0554 00 30 12)

4.3.3 Nurseries and Kindergarten

There are two kinds of nurseries: State nurseries and private nurseries.

State nurseries (local communities, social security funds) are organised by the wilaya to which they belong. These nurseries host infants and children of up to 5 years old.

To enter these nurseries, a file must be submitted and 3000 DA must be paid monthly.

Opening hours: 7.30 to 5.00 (from Saturday to Wednesday); 7.30 to 12.00 (on Thursdays)

Closed in July and August.

197 in Home Office Uk Border Agency, Country of Origin Information report Algeria, September 30th 2008, p.126

198 http://www.medecinsdumonde.org/fr/presse/communiqués_de_presse/algerie_ouverture_d_une_mission_aupres_des_femmes_victimes_de_violences

A family's financial participation varies according to the status of the nursery or kindergarten but is roughly equal to one third of legal minimal wage. But as a rule, discounts are granted to poor or single parent families¹⁹⁹.

A family's financial participation varies according to the status of the nursery or kindergarten but is roughly equal to one third of legal minimal wage. But as a rule, discounts are granted to poor or single parent families.

The number of private nurseries (employers, private citizens) has greatly increased these last few years, costs are higher and vary between 4500 DA/moth to 7000 DA/month.

4.3.4 Working children

Child labour in Algeria is evidently increasing. Children quit school to get a job at an early stage in order to support their families. Thus, street life tends to become their only source of education and exposes them to dangerous practices (sexual abuse, exploitation and ill-treatment)²⁰⁰.

According to the FOREM (Algerian NGO working for children's rights), in the eight most populous provinces six percent of children age 10 and younger participate in the labor force, while 63 percent of children age 13 to 16 participate. Children work a variety of hours in small workshops, on family farms, and especially in informal trades, where children from impoverished families are employed for economic reasons. According to FOREM representatives there would be one million children working in the country, at least half of whom were under the age of 16²⁰¹.

4.4 Elderly people

4.4.1 Housing and caring dispositions for elderly (Stæe, NGO)

In daily newspapers, among them the Jeune Indépendant issue from 27 April 2008, Ms BELBAL in charge of the communication of the National Solidarity Ministry indicates the capacity of centres for elderly and shelters (aged 60 and more):

- State sector: 28 reception centres spread on 23 wilayas and with a theoretical capacity 3,219, but hosting 2,120 elderly people in practice.
- Civil society (Help and support to elderly associations) with 8 centres with a total capacity of 800.

Ms BELBAL also indicates that the total number of centres will reach 39, with 3 openings in 2009. From now on, these centres will host immigrants over 60 coming back to Algeria and without relatives.

The daily newspaper Le Soir (27/04/08) specifies that in 2008, 10% of the population is over 60. This part of the population will represent 40% of the total population in 2040.

Centres or houses for elderly people:

Centre for elderly people, Algiers Wilaya.

Houses for elderly and disabled people (28 located in 23 wilayas) (MESN),

199 La protection sociale dans les Pays du Sud et de l'Est de la Méditerranée Etat des lieux et perspectives, Social protection in Southern and Eastern Mediterranean: overview and perspectives / F. Paz y Solidaridad Serafin Aliaga / Forum Syndical Euromed - 2003 - <http://www.pazysolidaridad.ccoo.es/web/recurso.asp?id=33&idrecurso=124> - (consulted April 18th 2009)

200« 300 000 enfants exploités, 300,000 exploited children », Le jeune indépendant, February 11th 2009

201 Home Office Uk Border Agency, Country of Origin Information report Algeria, 30 septembre 08, p.121

Dar el amel, Blida, Association of help to elderly people,
Houses for elderly people of Souk Ahras et Sedrata, Association of Souk Ahras,
Houses for elderly homeless persons, Constantine, Association for retired railwaymen,

4.5 Persons with disabilities

According to the USSD report on Human Rights pour 2007 “The law provides protection, including free medical care, for persons with disabilities, especially children; however, there was widespread social discrimination against persons with disabilities. Laws prohibit discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. No government buildings were accessible to persons with disabilities. Public enterprises, in downsizing their work forces, generally ignored a requirement that they reserve one percent of jobs for persons with disabilities. Social security provided payments for orthopedic equipment, and some healthcare-oriented NGOs received limited government financial support. The Ministry of National Solidarity provided financial support to NGOs; however, for many NGOs this financial support represented only a very small portion of their budgets--approximately 2 percent. The Ministry of National Solidarity maintained that there were 1.5 million persons with disabilities. However, according to the Algerian Federation of Wheelchair Associations (AFWA), there were three million persons with disabilities living in the country.”²⁰².

Disabled persons get free access to transportation or lowered fees applied by the operators²⁰³.

The 02-09 law from 8 May 2002 governs the protection and the promotion of disabled people. In addition to defining the intervention framework and its objectives²⁰⁴, this law makes provision for people with disabilities and without resources to get social help. This help can be total caring and/or financial benefits, among others for:

- people with 100% disability;
- people with different disabilities;
- families with one or more disabled people, whatever the age;
- people with disabilities and incurable aged at least 18, with a chronic incapacitating disease.

The monthly financial benefits given to disabled people with 100% disability are of at least 3000 DA.

This law would not make any particular provision for disabled workers²⁰⁵.

According to the Fédération des Associations des Handicapés Moteurs (Federation of Associations for physically disabled people) ²⁰⁶ the disabled still suffer from the lack of specialised

202 2007 Report on Human Rights Practices - Algeria, 11 Mars 2008

<http://www.state.gov/g/drl/rls/hrrpt/2007/100592.htm> - accès le 15 octobre 08.

203 President Bouteflika holds a meeting for National solidarity, family and the community abroad (“Le président Bouteflika préside une réunion consacrée à la solidarité nationale, la famille et la Communauté à l’Etranger”) <http://actualites.marweb.com/algerie/societe/bouteflika-solidarite-nationale-famille-communautaire-etranger.txt> (accès le 15 octobre 08)

204 Among other things, early screening of disability and prevention of complications, guaranteeing specialised cares, functional rehabilitation, guaranteeing equipments, accessories and necessary technical help for disabled people, guaranteeing a compulsory education and a professional training to disabled children and teenagers, guaranteeing social and professional integrations of disabled people, promoting associations concerning protection and promotion of disabled people, guaranteeing the promotion and development of emancipation of disabled people in a normal environment, etc (article 3).

205 Le Soir d’Algérie <http://elbaraka.e-monsite.com/rubrique,le-soir-d-algerie-03-08,1085579.html> - 23/03/08

206 Interview in Algiers, March 7th 2009

infrastructure and education coverage, from the bad quality of equipment given to them, and the low financial means despite all the efforts undertaken by the State for the protection and promotion of disabled people. They add “there is much to do for disabled people in Algeria...”

According to the association helping disabled people EL BARAKA, they have never been considered as a target group which could have benefited from a specific program; they are part of a social action department among other “particular categories”.

This population generally suffers from the lack of adequate coverage: health services are insufficient and do not guarantee a life quality when leaving hospital. Disabled children in need of functional rehabilitation (expensive and almost inexistent) suffer from serious aftermaths preventing almost any project of integration. Moreover, they are confronted daily with adaptation and integration problems.

Apparently the exemption threshold for the IRG has been raised in 2008 (Government registers n°42, 27 July 2008 - Art 68 - Paragraph d: “people with physical, mental, visual disabilities or deaf and mute people whose monthly wages or pensions do not exceed 20,000 DZD are exempt from taxes”²⁰⁷).

Caritative and care organisms

Houses for elderly and disabled people (28 located in 23 wilayas) (MESN),

National Association for Support to disabled people El Baraka (Villa 17s Rue n°7 Cité Si Haoues - Commune de Ain Taya circonscription de Dar El Beida - Algiers Wilaya/ tel - fax: 213021866672 /email : ansh-elbaraka@hotmail.com)

Handicap International (2, rue Yahia El Mouzaoui, El Biar, Alger /tél-fax : 021 92 52 26/ 021 79 28 24)

National Federation for Deafs of Algeria (Centre familial de Ben aknoun, route des deux bassins, Ben aknoun, Alger /tél-fax: 021 91 17 10 / 91 16 29)

Association Chems El Ghed for help to disabled people (Tente culturelle sise rue de la victoire, Ain Taya, Alger /tél-fax : 021 86 59 58/ Email : chems_elghed@yahoo.fr)

Association for parents of motor cerebral incapacitated (Batna, tél - fax : 033 85 32 02 / 033 80 75 61/ Email : apimc@yahoo.fr)

Association against myopathie (Maison de jeunes Dergana, Alger /tél-fax : 021 72 44 34)

Association « Défi et Espoir », Constantine, Bp 55 poste du 20 août 1955, Constantine /tél-fax : 031 66 62 67 / Email : adem600@yahoo.fr)

Association of myopathes of Oran wilaya (28 bis, rue seghier Benali, Es-seddikia, Oran /tél-fax : 041 42 26 20)

National Federation for disabled children (76, chemin Bachir Ibrahim, El Biar, Alger /tél-fax : 021 92 17 15)

Association « ANIT » pour trisomics insertion (14, rue Mechidel djelloul, Alger /tél-fax : 021 73 49 17/Email: antidz@caramail.com)

Algerian society for orthophonetion (Centre de Sidi Moussa, cité el mektoub, sidi moussa, Alger / tél: 021 76 70 40) disabilities in the country.

4.6 Victims of terrorism

An epidemiological investigation has been undertaken in 1999 by the Algerian society for psychological help, research and training (Société algérienne pour l'aide psychologique, la recherche et la formation, SARP) on the mental health of populations from Sidi Moussa and on the

207 http://elbaraka.e-monsite.com/rubrique_news_1087598.html (available March 15th 2009)

social and psychological consequences of trauma due to terrorist violence (mass murders committed in the area at the end of the 1990's. The report indicates that surviving families have had psychic problems and important sufferings following human losses, unbearable sights of violence and a miserable social and administrative situation. After this study, the Psychological help centre (Centre d'Aide Psychologique) of Sidi Moussa was created in order to care for the populations living in this area. A social worker from the centre insists on the complex aspects of the events that occurred in this region in the 1990's: the consequences for the families, even those that have not been directly involved, are serious. Getting a terrorism victim status for the affected families or asking for a right involves lots of red tape²⁰⁸.

Victims of terrorism do not systematically present mental problems, but they need specific care to avoid developing mental problems in some cases²⁰⁹.

Different centres dedicated to victims of terrorism are available in Algiers, Boumerdès, Bordj el kiffan, Menea, El oued, Ouargla, Relizane.

4.7 Homosexuals

In Geneva, while the UN Committee for Human Rights was considering the report on civil and political rights presented by Algeria, a member of the committee expressed his wish to know the situation of homosexuals in Algeria and if they were segregated. The Algerian delegation declared that the phenomenon of homosexuality was "unknown to Algerian society"²¹⁰.

Homosexuality is one of the major taboos in the Algerian society. Despite the fact that it is quite spread out as a practice, it is invisible as topic or as political demand and its existence is denied by Algerian authorities.

Homosexuality is condemned by Islamic religion and the penal code: this one, in its article 338 (Ordinance 66-156 of June 8, 1966), punish the homosexuality with sentences imprisonment of between 2 months and two years, and with a fine of 500 to 2000 Algerian Dinars. « If one of the participants is below 18 years old, the punishment for the older person can be raised to 3 years' imprisonment and a fine of 10,000 dinars²¹¹»

Beside illegal meeting places, there is no association fighting for gay rights or having an interest in this matter.

Young gay Algerians are stigmatized, oppressed and marginalised and often have no choice but meeting up on the Internet in chat rooms where they can "let off their sexual freedom, exchange experiences, talk about their fears, their experience as gay men/women and their exasperation of living two lives due to social, moral and religious taboo"²¹². « In practice, the shame associated with homosexuality means that few individuals openly reveal their sexual orientation. Homosexuals may suffer harassment from the security forces and society in general»²¹³

According to USSD 2007 Report on Human Rights "The law criminalizes public homosexual behaviour and there is no specific legal protection of homosexuals in the country. There was also generally societal discrimination against homosexuals, but not violence or official discrimination.

208 Djamel Benramadane et Habiba Djahnine, "Associations algériennes - des parcours et des expériences, Algerian associations - experiences", Algiers 2008, p.58

209 information from Ms HAFDALLAH Rafika, clinician psychologist, coordinator of the psychological help, research and training (SARP) - Interview dated October 15th 08

210 United Nations, Press Release, Human rights committee studies Algeria's report, October 24th 2007, <http://www.unhcr.ch/hurricane/hurricane.nsf/view01/23FF3BC0E2D11D73C125737E004D6D1C?opendocument> (consulted November 28th 2008)

211 Home Office Uk Border Agency, Country of Origin Information report Algeria, September 30th 2008, p.101

212 "Internet, un refuge contre l'interdit social pour les homosexuels d'Algérie", Dalila Soltani, 27/06/08 - <http://www.alterheros.com/francais/dossier/Articles.cfm?InfoID=358>

213 Home Office Uk Border Agency, Country of Origin Information report Algeria, September 30th 2008, p.101

While some homosexuals lived openly, the vast majority did not²¹⁴.

4.8 Christians

According to USSD IRF report 2007 «Conversions from Islam to other religions are rare. Shari'a, as interpreted in the country, does not recognize conversion from Islam to any other religion; however, conversion is not illegal under civil law. Due to safety concerns and potential legal and social problems, Muslim converts practice their new faith clandestinely. Christians report that conversions to Christianity take place »²¹⁵.

Some legal measures in total contradiction with the Constitution have offended democrat citizens and heads of Christian churches these last few years. While the Algerian Constitution guarantees freedom of thinking and faith, Islam or any other religion worshipping depends on getting an authorization that setting the place of worship and the place of the preacher, according to a law from February.

But, after the law from 28 February 2006 (ordonnance 06-03) regulating non Muslim worshipping in Algeria, persecution and pressure towards Christian Algerians have risen:

Several Christian convert citizens have been prosecuted for « illegal practice of a non Muslim worship²¹⁶ and some Christians accused of proselytizing have been condemned to mandatory imprisonment or to high financial sanctions²¹⁷. A catholic priest was condemned to imprisonment for religiously and medically helping illegal migrants²¹⁸, 16 churches attached to the EPA (Eglise Protestante Algérienne, Algerian Protestant Church) were closed down in April 2004, Algerians with Christian literature have been arrested, religious leaders and foreign teachers (protestants and catholics) have not been granted visa or have been expelled...

« This repression has increasingly risen since the beginning of 2008. Nowadays in Algeria, talking about your faith, gathering for a private ceremony (officially forbidden by law) or for a public ceremony (highly regulated), or even being in possession of your own Bible may be repressed. These restrictions apply as soon as the religion in question is not Islam²¹⁹.

« The head of the government-appointed Higher Islamic council had refuted foreign accusations that minority Christians were being harassed, and claimed that Protestant evangelicals were secretly trying to divide Algerians to colonise the mainly Muslim north African country²²⁰.

“The Minister of Home Affairs and Local Authorities has reaffirmed that Algeria respects religious fundamental freedoms in the framework of the law and the legal conditions, pointing out that

214 2007 Report on Human Rights Practices - Algeria, March 11th 2008

<http://www.state.gov/g/drl/rls/hrrpt/2007/100592.htm> - available Oct. 15th 2008.

215 in Home Office Uk Border Agency, Country of Origin Information report Algeria, September 30th 2008, p.92

216 « Procès des convertis au christianisme: vers la fin de la campagne antiévangéliste?, Trial of Christian converts: towards the end of antiévangéliste campaign? », Liberté 26.06.08 - http://www.algeria-watch.org/fr/article/just/proces_convertis.htm (consulted Nov. 28th 2008)

217 « Condamnation de deux Algériens convertis au christianisme, Two Christian Algerian converts condemned », Le Monde, 4/07/08, http://www.lemonde.fr/cgi-bin/ACHATS/acheter.cgi?offre=ARCHIVES&type_item=ART_ARCH_30J&objet_id=1042739 (consulted November 28th 2008)

218 « Algérie-liberté de culte: réduction de peine pour un médecin accusé d'avoir soigné des migrants et un prêtre condamné pour prosélytisme, Algeria-freedom of faith: sanction reduction for a doctor accused of having cured migrants and a priest condemned for proselytism », Le Matin, 29/04/08, <http://www.lematindz.net/news/1364-algerie-liberte-de-culte-reduction-de-peine-pour-un-medecin-accuse-davoir-s.html> (consulted November 28th 2008)

219 « Pétition pour les Chrétiens algériens, Petition for Algerian Christians », April 11th 2008, collectifalgerie.free.fr/wordpress/wp-content/petition-liberte-religieuse-algerie.pdf (consulted November 28th 2008)

220 Reuters (1/06/08) in Home Office Uk Border Agency, Country of Origin Information report Algeria, 30 septembre 08, p.94

there is no difference between laws imposed on mosques and churches. He further expressed the denial of the Algerian Government after the unfounded accusations alleging that the Algerian authorities are putting pressure on Christians living in Algeria”²²¹.

221 El Khabar in Home Office Uk Border Agency, COI report Algeria, September 30th 2008, p.94